



CITY OF BEND

P L A N N I N G C O M M I S S I O N M E M O

Meeting Date: July 26, 2021

File Number: PLTEXT20210421

Staff Member: Pauline Hardie, AICP, Senior Code Planner

SUBJECT: The proposed package of amendments to the Bend Comprehensive Plan and Bend Development Code (Attachment A) implement [Oregon House Bill 2001](#), which requires large cities such as Bend to allow middle housing, which it defines as duplexes, triplexes, quadplexes, townhomes and cottage cluster developments, in more places in the city, in order to increase housing choice and supply. Jurisdictions subject to HB 2001 may regulate the siting and design of middle housing required to be permitted, provided that the regulations do not, individually or cumulatively, discourage the development of middle housing types through unreasonable cost or delay. The package of amendments also includes other proposed code changes for consistency and clarity.

The proposed amendments are to the Bend Comprehensive Plan Preface, Chapter 5, Housing and Chapter 11, Growth Management and to BDC Chapters 1.2 Definitions, 2.1 Residential Districts, 2.2 Commercial Zoning Districts, 2.3 Mixed-Use Zoning Districts, 2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2 Landscaping, Street Trees, Fences and Walls, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.1, Development Review and Procedures and 4.2 Minimum Development Standards Review, Site Plan Review and Design Review.

LOCATION: The proposed changes to the BDC are legislative text amendments and apply citywide.

BACKGROUND: The following provides the background on HB 2001, City Council goals and the HB 2001 Stakeholder Advisory Group process.

HB 2001

The Oregon State Legislature passed HB 2001 in June 2019, a statute intended to provide more opportunities for a variety of housing types in traditionally single-family neighborhoods, and to increase the overall housing supply in and around cities. HB 2001 requires a city with a population of 25,000 or more to allow the development of:

- Duplexes “on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings”, and
- Triplexes, quadplexes, cottage clusters, and townhomes “in areas zoned for residential use that allow for the development of detached single family dwellings”.

Throughout 2020, the Department of Land Conservation and Development (DLCD) led three rulemaking efforts to help cities comply with the requirements of HB 2001. This work included the creation of model codes, establishing compliance standards, and a process and criteria for the evaluation of city plans to address infrastructure needs. On December 9, 2020, the Land Conservation and Development Commission (LCDC) adopted a set of [Oregon Administrative Rules](#) that outline the “minimum compliance standards” large cities must apply to middle housing to comply with HB 2001. They also adopted a [Large Cities Middle Housing Model Code](#) to guide the development of all middle housing types in large-sized cities. Large cities may choose to regulate middle housing using the Large Cities Middle Housing Model Code, the minimum compliance standards, or a combination of the two.

A city may also adopt alternative siting or design standards other than those authorized by the Oregon Administrative Rules, under certain conditions. (OAR 660-046-0235). It is important to note that siting and design standards do not include minimum lot or parcel size and maximum density requirements. If a city is interested in proposing an alternative siting or design standard, they must submit to DLCD findings and analysis demonstrating that the proposed standard(s) will not, individually or cumulatively, cause unreasonable cost or delay to the development of middle housing. To so demonstrate to DLCD, a city must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under the Oregon Administrative Rules for siting and design standards:

- a. The total time and cost of construction, including design, labor, and materials;
- b. The total cost of land;
- c. The availability and acquisition of land, including areas with existing development;
- d. The total time and cost of permitting and fees required to make land suitable for development;
- e. The cumulative livable floor area that can be produced; and
- f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

This HB 2001 Stakeholder Advisory Group discussed this section in regards to requiring additional parking and a majority did not support pursuing this option.

Large Cities must comply with House Bill 2001 and the Oregon Administrative Rules by June 30, 2022.

COUNCIL GOALS

The City Council 2019-2021 goals included increasing the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

Permitting 3,000 units with the target of 1,170 single family units, 390 single family attached units and 1,440 multi-family units by 06/30/2021.

The goal included a strategy to “Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments.” To implement this strategy the Council identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards. In addition, the goal had a strategy to “Explore alternative housing types and necessary funding sources.” To implement this strategy the Council wanted to adopt policies for alternative housing models, such as four-plexes (quadplexes), tiny homes and single room occupancies. On October 21, 2020, the City Council adopted Ordinance No. NS-2389 that created new development options including micro-unit developments and small dwelling unit developments.

The FY 2021-23 Council Goal Framework plan includes a housing goal to “Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.” The goal includes a strategy to pursue policy actions to increase the supply of housing as a platform for equity by removing and reducing regulatory barriers for development of housing, with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.

The proposed amendments remove barriers for middle housing and also create quadplexes and cottage clusters which help implement the 2019-2021 and 2021-23 Council goals.

HB 2001 STAKEHOLDER ADVISORY GROUP

On November 25, 2019, the City of Bend Planning Commission, in its role as the Committee for Citizen Involvement, approved the formation of a Stakeholder Advisory Group to assist City of Bend staff with amendments to the Bend Development Code in compliance with HB 2001.

The advisory group included members from the City Council, Planning Commission, Affordable Housing Advisory Committee, and the Neighborhood Leadership Alliance as well as representation from Central Oregon Builders Association, Central Oregon LandWatch, 1,000 Friends of Oregon, developers, architects and Neighborhood Associations.

The Stakeholder Advisory Group held 11 meetings to review the adopted Oregon Administrative Rules and Model Code, and based on their discussions and input, staff drafted the amendments to the Bend Development Code for Planning Commission and Council consideration.

CITY OF BEND ACCESSIBILITY ADVISORY COMMITTEE (COBAAC)

Per the Planning Commission's request, staff met with COBAAC on June 24, 2021, to gather feedback on the following two items:

- HB 2001 changes to BDC as it relates to accessibility in housing
- Proposed parking as part of the code for quadplexes

Following discussion, COBAAC was generally supportive of the amendments recognizing the need for additional housing; however, they would like to gather feedback from members that were absent and that use a wheelchair. Their next meeting is in August and they may discuss it then.

Staff also let COBAAC know of Council's interest in reviewing potential parking reductions in the future and that we would look for their input if and when any changes are discussed.

DISCUSSION:

The following highlights the proposed amendments that implement HB 2001 and Council's goals.

BEND COMPREHENSIVE PLAN

The draft includes amendments to the Bend Comprehensive Plan Chapter 5, Housing and Chapter 11, Growth Management policies to be consistent with HB 2001. The amendments also include the following in the Preface to make it clear that the Bend Development Code standards that implement HB 2001, which were required by the statute, override any conflicting Comprehensive Plan policy or provision.

House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law, passed by the 2019 Oregon Legislature, expands the ability to build certain housing types, like duplexes, triplexes and quadplexes, in residential zones. House Bill 2001 requires updates to local codes that currently limit the types of housing people can build. The statute and

implementing Oregon Administrative Rules compelled the City to amend the Bend Development Code to comply with the new housing legislation thus the code provisions, demanded by statute, override any conflicting Comprehensive Plan policy or provision.

Following the work session, staff realized Comprehensive Plan Policy 9-8 needs revision since the proposed amendments include design standards for garage doors, window coverage and front door orientation for triplexes that are consistent with the OARs and Model Code.

9-8 The city values design review for all development in the community with the exception of single-family houses, and duplexes ~~and tri-plexes~~.

The Oregon Administrative Rules defines design standards as follows:

“Design Standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

According to OAR 660-046-0210(2), Large Cities may regulate siting and design of Middle Housing, provided that the regulations;

- a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
- b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.

The BDC code amendments include design standards for garage doors, window coverage and front door orientation for triplexes, quadplexes and townhomes that are consistent with the OARs and Model Code. The standards are clear and objective, will not cause unreasonable cost or delay and are in compliance with HB 2001. The amendments to Policy 9-8 allow Bend to have design standards for triplexes in compliance with the Oregon Administrative Rules.

BEND DEVELOPMENT CODE

Chapter 1.2, Definitions. New and revised definitions for consistency.

Chapter 2.1, Residential Districts.

- **Table 2.1.200** - Permits townhomes and triplexes in the Low Density Residential (RL) District and quadplexes in the Low Density Residential (RL), Standard Density Residential (RS), Medium-Density Residential (RM-10), Medium Density Residential (RM) and High Density Residential (RH) Districts.
- **2.1.300(H), Residential Compatibility Standards.** Deletes this section since the additional setbacks (30 to 35 feet) are a potential barrier to development.
- **2.1.400, Building Mass and Scale.** Deletes this section which requires floor area ratio (FAR) standards to be applied to certain residential uses and locations. FAR is added to 2.1.700, Maximum Lot Coverage and Floor Area Ratio to be applied to three-story residential uses and accessory structures in the RS District.
- **Table 2.1.500** – Revises the following lot size requirements for duplexes, triplexes, quadplexes and townhomes in compliance with the Oregon Administrative Rules:

<u>Duplex and Triplex, and Quadplex.</u>	RL	Duplex: 10,000 sq. ft. Triplex: 20,000 <u>10,000</u> sq. ft. Quadplex: 10,000 sq. ft.
	RS RM-10	Duplex: 4,000 sq. ft. Triplex: 9,000 <u>4,000</u> sq. ft. Quadplex: 4,000 sq. ft.
	RM	None <u>Duplex: 2,500 sq. ft.</u> <u>Triplex: 4,000 sq. ft.</u> <u>Quadplex: 4,000 sq. ft.</u>
	RH	None <u>Duplex: 1,250 sq. ft.</u> <u>Triplex: 2,500 sq. ft.</u> <u>Quadplex: 2,500 sq. ft.</u>
<u>Single-Family Attached Housing</u> (<u>Townhomes</u>)	RL*, RS, RM-10 RM	2,000 <u>Average minimum lot or parcel size:</u> <u>1,500</u> sq. ft. for each unit 1,600 sq. ft. for each unit
	RH	<u>Average minimum lot or parcel size:</u> 1,200 sq. ft. for each unit

Multifamily-unit Housing Dwelling (more than 3 <u>4</u> units)	RL*, RS*, RM-10	4,000 sq. ft. for each unit
	RM, RH	None

* When permitted as part of a master plan subject to BDC Chapter 4.5, Master Planning and Development Alternatives.

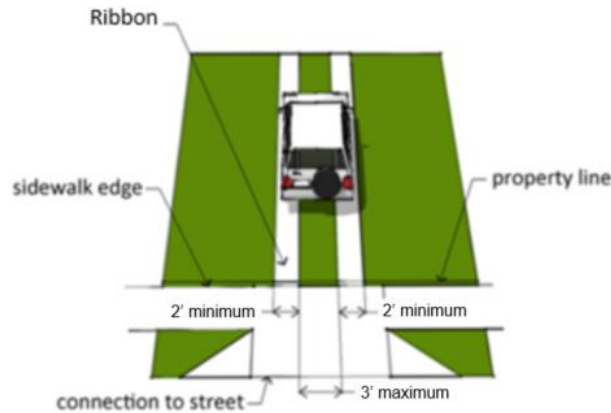
- **2.1.600, Residential Density.** Deletes density maximums for duplexes, triplexes, quadplexes and townhomes in compliance with the Oregon Administrative Rules. Staff also met with affordable housing providers and developers and they recommended eliminating the maximum density for affordable multi-unit dwellings and a majority of the Stakeholder Group supported this recommendation.
- **2.1.700, Maximum Lot Coverage and Floor Area Ratio.** Adds a 1.1 FAR for three-story residential uses and accessory structures in the Standard Density Residential (RS) District in compliance with the Oregon Administrative Rules and the Large City Model Code.
- **2.1.950, Design Standards.** Adds garage door, front door orientation and window/door standards for triplexes, quadplexes and townhomes in compliance with the Large City Model Code.
- **2.1.1100(E)** – Allows a vehicle parking in a dwelling unit's garage or carport to be a minimum of 9' by 18'.

Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

- Revises several plans to allow a duplex on a lot or parcel that allows a single-family detached dwelling unit in compliance with the Oregon Administrative Rules.
- Adds the following to 2.7.100 in compliance with the Oregon Administrative Rules.
 - ***Special Planned Districts, Refinement Plans, Area Plans and Master Plans adopted before January 1, 2021, may allow a net residential density of at least eight dwelling units per acre.***
 - ***As of January 1, 2021 and after the lot or parcel has been developed, duplexes, triplexes, quadplexes, cottage clusters and single-unit attached townhouses are permitted on lots or parcels that allow a single-unit detached dwelling.***

Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.

- **3.1.300 Multi-Modal Access and Circulation.** Deletes on-site pedestrian facilities for townhomes, triplexes and quadplexes.
- **3.1.400, Vehicle Access Management.** Adds ribbon driveway as an option to provide access to single-unit detached dwellings, ADUs, townhomes, duplexes, triplexes and quadplexes.



Chapter 3.2, Landscaping, Street Trees, Fences and Walls.

- **3.2.300, New Landscaping.** Deletes the requirement for 15 percent of the site to be landscaped for duplexes and triplexes in compliance with the Oregon Administrative Rule.
- **3.2.400, Street Trees.** Deletes the requirement for street trees for duplexes and triplexes in compliance with the Oregon Administrative Rule.

Chapter 3.3, Vehicle Parking Standards for On-Site Requirements.

- **Table 3.3.300, Required Off-Street Vehicle Parking Spaces.** Revises the following parking table for duplexes, triplexes, quadplexes and townhomes:

Duplex and triplex	1-bedroom units — 1 space per unit — None (Duplex – Model Code, Triplex - HB 2001 Stakeholder Advisory Committee recommendation)
	2- or more bedroom units — 2 spaces per unit
Quadplex	<u>RL: 2 parking spaces per quadplex development</u>
	<u>RS, RM, RM-10 and RH: 1 parking space per quadplex development</u>
	(In compliance with the Model Code)
Townhomes	<u>1 parking space per dwelling unit</u> (In compliance with the OAR and Model Code)

Chapter 3.6, Special Standards and Regulations for Certain Uses.

- **3.6.200(B), Accessory Dwelling Units (ADU).** Increases the maximum floor area to 800 square feet for ADUs, deletes FAR and balcony requirements for ADUs over 600 square feet, and allows ADUs to be the height of the zoning district.
- **3.6.200(C), Affordable Housing.** Reduces the required parking spaces per unit from 1 to 0.5 for special population developments and senior developments.
- **3.6.200(D), Townhomes.** Deletes the maximum number of attached units and deletes garage door width requirements (See new BDC 2.1.950)
- **3.6.200 (H), Duplex, Triplex and Quadplex Development.** Adds quadplexes to this section and deletes the requirements for landscaping, street trees, open space, storage, trash enclosure areas, FAR, and garage door and front door orientation standards. (See new BDC 2.1.950)
- **3.6.200(M), Accessory Uses and Structures.** Deletes the FAR requirement and adds a 1.1 FAR for accessory structures that are part of a three-story building in the RS to Table 2.1.700.
- **3.6.200(O), Temporary Housing.** Deletes the minimum parking requirement of one space per 500 square feet of gross floor area for temporary housing. During the March 17, 2021 City Council meeting, the Council discussed removing additional barriers to temporary housing including the parking space requirement of one space per 500 square feet of gross floor area. Recognizing that the City is in the process of updating the BDC to comply with HB 2001 for missing middle housing, the Council directed staff to incorporate code that reduces the required parking to zero for temporary housing uses for Council consideration and as part of the public process with the Bend Development Code changes drafted to implement House Bill 2001.
- **3.6.500 Short-Term Rentals.** The proposed code amendments would further limit the ability to permit STRs in residential zones, given that there may be multiple housing units on a single residentially-zoned property (e.g., duplex, triplex, quadplex). More specifically, it amends the section to state that applications submitted after the date the code is adopted for properties located in the RL, RS, RM, RH, and MR outside of the Old Mill District boundary (noted as Type II in BDC Figure 3.6.500.C) that include an ADU, duplex, triplex or quadplex can only have one unit permitted as a short-term rental.

Note on history of current STR regulations: The City developed a comprehensive STR program in 2015, after an extensive and public task force process (comprised of opponents and proponents of STRs), as well as continued community interest and input at the Planning Commission and City Council levels. The proposed code amendments for STRs that are packaged with HB 2001 amendments are not intended to revisit that extensive process, which would be well beyond the scope of this project. The intent is to address an unintended consequence of allowing more density in the City and disallow more STRs in residential neighborhoods consistent with the intent of the program developed by Council and the community and the ongoing and acknowledged need for middle housing.

As background, per the Bend Development Code, the City has a dual approach to STRs. We have an annual licensing program, with good neighbor guidelines and enforceable operating requirements, which can be found on the [Short Term Rental Program webpage](#). For land use permitting, the City also looked at the policy approaches of many cities, both in Oregon and other states (including percentages, caps, lotteries, a complete ban/phasing out, etc.). The City considered impacts on neighborhoods and the tourism industry, housing, the existing code at the time, and a myriad of competing concerns. After considering the recommendations of the task force and Planning Commission, for Bend, Council decided to adopt a 250-foot concentration limit, and make all land use permits issued after the adoption of the code non-transferable (meaning, unlike other land use permits, they are individual to the property owner and do not “run with the land”, but terminate upon sale).

Chapter 3.8, Development Alternatives.

- **3.8.900, Cottage Cluster Developments.** The amendments include a new development alternative called “Cottage Cluster Development”. A cottage cluster development includes one or more cottage clusters located around usable open space. The amendments for a cottage cluster development include requirements for density, lot sizes, lot dimensions, setbacks, parking, design standards, courtyard standards and pedestrian access standards. The amendments also limit a cottage’s building footprint to less than 900 square feet. (Oregon Administrative Rules and Model Code)
- **3.8.1000, Shared Court Developments.** Shared court developments were originally adopted as an infill development option. The draft relocates shared courts from BDC 3.8.400, Infill Development to BDC 3.8.1000 since the development site will no longer be restricted to a maximum size of 1.1 acres. The amendments will limit the uses to townhomes and accessory dwelling units. The amendments allow lots or parcels that front an arterial to have a fence in the front setback not exceeding six feet in height and there are exceptions to the front door standards for lots and parcels that abut an arterial or when the development’s frontage is 75 feet or less.

Chapter 4.1, Development Review and Procedures.

- **4.1.215 Public Meeting.** Requires an application to be submitted to the City within 180 days of a public meeting.
- **4.1.420 and 4.1.423.** Requires the notice to be mail to situs address in addition to property owner address as recommended by the Planning Commission on January 11, 2021.

Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

- **4.2.400, Minimum Development Standards Review.** A Minimum Development Standards Review application will not be required for single-unit detached

dwelling, accessory dwelling units, and middle housing. Compliance with BDC 4.2.400, Approval Criteria will still be required and will be verified through the building permit process.

PUBLIC OUTREACH: Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on June 9, 2021. The City of Bend sent a Measure 56 notice to all affected properties of the short-term rental amendments on June 20, 2021. The City also mailed a notice to 145 short-term rental property management companies on June 28, 2021, as well as emailed them on June 23, 2021. A notice of the July 26, 2021, Planning Commission public hearing was printed in the Bend Bulletin on July 4, 2021, and was mailed to the neighborhood associations on June 29, 2021 and emailed to them on June 28, 2021.

Staff emailed the draft amendments to the HB 2001 Stakeholder Advisory Group and to people who have expressed an interest in the amendments on May 3, 2021, to the Bend Development Code Update Group and architects, designers and developers that work with the City of Bend on May 4, 2021, and to the Neighborhood Association Land Use Chairs on May 7, 2021. A webpage was published for the HB 2001 amendments on May 11, 2021, a media news release was sent out on May 14, 2021 and the proposed project was included in the Bend Current eNewsletter on May 21, 2021. In addition, the project was posted on NextDoor, Facebook and Instagram.

Staff presented the amendments to various groups including the Bend Economic Development Advisory Board, Accessibility Advisory Committee, Orchard District Neighborhood Association, American Institute of Architects, Chamber Advocacy Council and during the Bend Chamber's "Workforce Housing and Challenges and Opportunities" presentation.

On June 14, 2021, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Environmental and Climate Committee (ECC) and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the amendments.

ATTACHMENTS:

Attachment A - Draft Development Code Amendments

Attachment B- Findings of the Bend Planning Commission

Attachment C – HB 2001

Attachment D – Oregon Administrative Rules (Division 46 Middle Housing in Medium and Large Cities)

Attachment E - Large Cities Middle Housing Model Code

Attachment F – Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20210421 in the search bar to find the project.

Attachment A
DRAFT Development Code Update
July 26, 2021
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strike through~~ typeface is proposed to be deleted.

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Staff comments are ***bold and italicized***

Amend the following throughout the BDC and CP:

City of Bend Urban Area Transportation System Plan

Courtyard ~~housing~~ dwelling units

Single-~~Family~~Unit

Single-~~family~~unit detached

Single-~~family~~unit detached ~~housing~~ dwellings

~~Attached single-family~~ townhomes

~~Single-family attached (townhomes)~~

Two- and three-~~family~~unit ~~housing~~ dwellings

Multifamily-unit

Multifamily-unit ~~housing~~ dwellings

BEND COMPREHENSIVE PLAN

PREFACE

Format of the Plan

(Add as last paragraph)

House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law, passed by the 2019 Oregon Legislature, expands the ability to build certain housing types, like duplexes, triplexes and quadplexes, in residential zones. House Bill 2001 requires updates to local codes that currently limit the types of housing people can build. The statute and implementing Oregon Administrative Rules compelled the City to amend the Bend Development Code to comply with the new housing legislation thus the code provisions, demanded by statute, override any conflicting Comprehensive Plan policy or provision.

Chapter 5: Housing

Housing Mix, Density, and Affordability

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, ~~consistent with the density ranges and housing types allowed in the zones.~~ This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

Residential Development

5-55 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis ~~and the planned residential densities citywide specified in the Bend Comprehensive Plan.~~

5-56 The City will promote a mix of housing types in areas zoned ~~Standard Density Residential (RS) District~~ residential through clear and objective standards ~~to assure that development integrates with existing neighborhoods in which it is permitted and in compliance with HB 2001.~~

5-57 ~~The City will support zoning standards that encourage residential siting of duplexes and triplexes in the Standard Density Residential (RS) District while maintaining the general overall density citywide consistent with the Bend Comprehensive Plan.~~

~~5-58 The City will create minimum lot sizes for duplexes and triplexes in the Standard Density Residential (RS) District that help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide as specified in the Bend Comprehensive Plan.~~

Chapter 9: Community Appearance

~~9-8 The city values design review for all development in the community with the exception of single-family houses, and duplexes and triplexes.~~

Chapter 11: Growth Management

11-51 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.

Table 11-1. Residential Master Plan Minimum Density and Housing Mix

Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density *	Master Plan Minimum Housing Mix**
Urban Low Density	Residential Low Density (RL)	Min: 1.1 Max: 4.0	2.0	10%
Urban Standard Density	Residential Standard Density (RS)	Min: 4.0 Max: 7.3	5.11	10%
Urban Medium Density	Residential Medium Density (RM)	Min: 7.3 Max: 21.7	13.02	67%
	Medium-10 Density Residential (RM-10)	Min: 6.0 Max: 10.0	6.0	67%
Urban High Density	Residential High Density (RH)	Min: 21.7 Max: 43.0	21.7	90%

* Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities and for exemptions to the general density ranges.

****** Housing mix is expressed as the minimum percent of units that must be ~~single-family attached~~ townhomes, duplexes/triplexes/quadplexes and/or multifamily-unit residential units. See Bend Development Code for definitions of housing types.

11-77 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ must include 178 gross acres of RS, 21 gross acres of RM, and 16 gross acres of RH. Acreages exclude existing right of way. The acreage of RS includes roughly 14 acres for an elementary school site, which may be designated PF if a site has been acquired by the School District prior to completion of the Area Plan. Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 1100 housing units, including at least 10% single-family-unit attached housing and at least 40% multifamily-unit and duplex/triplex/quadplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.

11-86 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ must include 196 gross acres of RS, 9 gross acres of RM, and 19 gross acres of RH. Acreages exclude existing right of way. The acreage of RS includes roughly 21 acres for an elementary school site and up to 35 acres of parks and public open space, which may be designated PF if land has been acquired by the school or park district at the time of the master plan. Alternatively, the master plan may demonstrate that this area will provide capacity for a minimum of 1,000 housing units, including at least 11% single townhomes family attached housing and at least 41% multifamily-unit and duplex/triplex/quadplex housing types.

11-96 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ must include 105 acres of RS, 35 acres of RM, and 10 acres of RH (excluding existing right of way).

11-108 In order to provide sufficient housing capacity, the residential plan designations ~~shall~~ must include 35 gross acres of RS, 7 gross acres of RM, and 2 gross acres of RH (excluding existing right of way).

Alternatively, the master plan may demonstrate that this area will provide capacity for a minimum of 270 housing units, including at least 15% ~~single townhomes~~ family attached housing and at least 37% multifamily and duplex/triplex/quadplex housing types.

11-115 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ must include 14 gross acres of RS, 14 gross acres of RM, and 5 gross acres of RH. Acreages exclude existing right of way. The acreage of RM includes roughly 8 acres for an elementary school site, which may be designated PF if land has been acquired by the school district at the time of the master plan. Alternatively, the master plan may demonstrate that this area will provide capacity for a minimum of 240 housing units, including at least 16% ~~single townhomes~~ family attached housing and at least 60% multifamily unit and duplex/triplex/quadplex housing types.

11-123 This area ~~shall~~ must provide capacity for a minimum of 870 housing units ~~and a maximum of 967 housing units~~, including at least 9% ~~single townhomes~~ family attached housing and at least 21% multifamily unit housing types (including duplex, and triplex and quadplex). ~~The required minimum of 870 housing units represents 90% of the maximum allowed number of units.~~

11-124 In the absence of an approved Area Plan for this subarea as a whole, each property included in the 2016 UGB expansion in this subarea (see Figure 11-5 below) ~~shall~~ must provide the maximum number and mix of units specified below. ~~The minimum required units (total and by housing type) is 90% of the specified maximum.~~

- Master Plan Area 1: ~~650 housing units, including~~ Include at least 60 ~~single townhomes~~ family attached housing and at least 142 multifamily unit and duplex/triplex/quadplex units.
- Master Plan Area 2: ~~65 housing units, including~~ Include at least 12 single family-unit attached units.
- Master Plan Area 3: ~~136 housing units, including~~ Include at least 16 single family-unit attached units and at least 59 multifamily unit and/or duplex/triplex/quadplex units.
- ~~Master Plan Area 4: 116 housing units.~~

11-125 Master Plan Area 3, identified on Figure 11-5, ~~shall~~ must provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- The minimum number of affordable housing units ~~shall~~ must be 20% of all multifamily-unit and duplex/triplex/quadplex housing units approved by the City.
- Guarantees, in a form acceptable to the City, ~~shall~~ must be in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.
- Planning and phasing requirements for affordable housing units ~~shall~~ must be established, in a form acceptable to the City.

11-133 This area ~~shall~~ must provide capacity for a minimum of 162 housing units ~~and a maximum of 200 housing units~~, including at least 10% ~~single townhomes family attached housing~~ and at least 21% multifamily-unit and duplex/triplex/quadplex housing types.

11-139 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ must include 27 gross acres of RS and 3 gross acres of RM. Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 125 housing units, including at least 10% ~~single townhomes family attached housing~~ and at least 20% multifamily-unit and duplex/triplex/quadplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.

11-145 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ must include 60 gross acres of RS, 21 gross acres of RM, and 5 gross acres of RH. The acreage of RM includes 3 to 4 acres for a neighborhood park site, which may be designated PF if a site has been acquired by the Bend Park and Recreation District prior to completion of the Area Plan. Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 510 housing units, including at least 13% ~~single townhomes family attached housing~~ and at least 42% multifamily-unit and duplex/triplex/quadplex housing types. The Area Plan may include and rely on plan designations,

zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.

BEND DEVELOPMENT CODE

Chapter 1.2 DEFINITIONS

Common courtyard means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. See BDC 3.8.900, Cottage Cluster Development.

Cottage means a detached single-family unit dwelling in a cottage housing development. See BDC 3.8.500, Cottage Housing Development and BDC 3.8.900, Cottage Cluster Development.

Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to 12 cottage dwellings arranged on a development site around or abutting usable open space. A cottage housing development may contain more than one cluster. See BDC 3.8.500, Cottage Housing Development and BDC 3.8.900, Cottage Cluster Development.

Cottage cluster development means a development with one or more cottage clusters. See BDC 3.8.900, Cottage Cluster Development.

Cottage development means a cottage housing development or a cottage cluster development. See BDC 3.8.500, Cottage Housing Development and BDC 3.8.900, Cottage Cluster Development.

Cottage housing development means a type of site development or subdivision where individual lots are created, both built in conjunction with shared open space and other common tracts of land that are intended to serve small-scale single-family unit dwellings that interact together as a small community. See BDC 3.8.500, Cottage Housing Development.

Courtyard housing dwelling units means dwelling units on individual lots with a ~~three-foot~~ reduced minimum side setback on one side of a typical lot. This type of ~~housing~~ development provides a usable outdoor living area in the side-oriented courtyards. See BDC 3.8.600, Courtyard ~~Housing~~ Dwelling Units.

Door area means the area of the portion of an exterior door or a garage door that moves and does not include the frame.

Dwelling, Multifamily-unit. See “Multifamily-unit residential.”

Dwelling, single-family-attached townhome means single-family-unit dwellings on their own lots or parcels, sharing a common side wall at the property line.

Dwelling, single-family-unit detached means a single-family-unit dwelling on its own lot or parcel that does not share a wall with any other building.

Dwelling, Single-FamilyUnit Detached Zero Lot Line House. See “Zero lot line development.”

Floor area means the area measured in feet of horizontal decked space intended to be a floored surface contained within a building or portion thereof, measured to the ~~external face~~ inside of the external walls, exclusive of vent shafts, and courts and basements. When calculating floor area, stairs are counted once unless the area under the stairs is part of the dwelling unit’s floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.

Floor area ratio (FAR) means a measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the ~~external face~~ inside of the external walls by the land area of the development.

Home business means a small revenue-producing use ~~owned and/or operated by a resident of the home business site. A home business is~~ operated within a primary dwelling unit or in an approved accessory

structure or accessory dwelling unit, which is clearly incidental and secondary to the use of the dwelling unit, ~~for dwelling purposes and which complies with the conditions of BDC Chapters 2.1, Residential Districts (UAR, RL, RS, RM-10, RM, RH), and See BDC 3.6.200.N. Home Business, 3.6, Special Standards and Regulations for Certain Uses.~~

Lot coverage means all areas of a lot or parcel covered by buildings (as defined by building footprints) and other structures with surfaces greater than 18 inches above the finished grade, excluding unenclosed covered or uncovered porches, patios, decks, carports, balconies or stoops up to ~~five-ten~~ percent of the total lot area. Eaves are not included in lot coverage.

Middle housing means Duplexes, Triplexes, Quadplexes, Cottage Clusters, & Townhouses.

Multifamily-unit residential means housing that provides ~~four~~ five or more dwellings on an individual lot or parcel (e.g., multi-plexes, apartments, condominiums, etc.). See BDC 2.1.1000, Multifamily-unit Residential Districts (RM, RH).

Public facilities means infrastructure improvements including but not limited to water lines, sewer lines, streets, curbs, sidewalks, trails and related facilities that are owned and maintained by the City of Bend or other provider of such facilities.

Ribbon driveways, sometimes called Hollywood driveways, means a driveway that usually consist of two parallel tracks paved with a hard material and separated by an unpaved area.

Setback means the minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall, building footprint or other element of a building or structure as defined

herein. Note: Where a public access easement abuts the street or alley in lieu of right-of-way, the interior easement line becomes an assumed property boundary for the purposes of setbacks.

Quadplex means four dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally or detached.

Window area means the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Chapter 2.1 RESIDENTIAL DISTRICTS

2.1.200 Permitted and Conditional Uses.

C. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.

1. Existing single-family unit detached housing, single-family unit courtyard housing, and manufactured home parks that were lawfully established in their current location prior to the adoption of this code are treated as permitted uses in the RH Zone unless originally approved through a conditional use permit, in which case they must remain subject to any applicable conditions of approval. Such uses are not subject to BDC Chapter 5.2 unless otherwise nonconforming.

D. Conversions.

1. Duplex. Conversion of an existing single-unit detached dwelling to a duplex is allowed provided that the conversion does not increase nonconformance.

2. Triplex and Quadplex. Conversion of an existing single-unit detached dwelling or duplex to a triplex or quadplex is allowed provided that the conversion does not increase nonconformance.

Table 2.1.200 – Permitted and Conditional Uses

(Other uses in Table 2.1.200 remain unchanged)

Land Use	RL	RS	RM-10	RM	RH	UAR
Residential						
Single-family unit detached housing dwelling	P	P	P	P	N	P
*Accessory dwelling units (ADUs)	P	P	P	P	P	P
* Attached single-family Townhomes	N/P**	P	P	P	P	N
* Two- and three-family housing						
▲ * Duplex when located on a corner lot	P	P	P	P	P	N
▲ Duplex on other lot or parcel	P	P	P	P	P	N
▲ * Triplex	C/P**	P	P	P	P	N
* <u>Quadplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	N
* <u>Multifamily-unit</u> residential (more than 3-4 units)	N/P**	N/P**	P	P	P	N

Key to Districts:

UAR = Urban Area Reserve

RL = Low Density Residential

RS = Standard Density Residential

RM = Medium Density Residential

RM-10 = Medium-10 Density Residential

RH = High Density Residential

Key to Permitted Uses

P = Permitted, subject to BDC Chapter 4.1, Development Review and Procedures

N = Not Permitted

C = Conditional Use, subject to permit standards in BDC Chapter 4.4.

* Subject to special standards as described in BDC 2.1.900, Architectural Design Standards, and/or BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

** Permitted as part of a master plan subject to BDC Chapter 4.5.

*** Neighborhood commercial sites adjacent to a commercial or mixed-use Comprehensive Plan map designation. See BDC 3.6.300(J), Neighborhood Commercial Sites.

Note: Existing Neighborhood Commercial (CN) Zoned properties will remain as mapped recognizing neighborhood commercial properties established prior to the adoption of this code. The development of these sites must conform to the standards outlined in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, for the uses described above.

2.1.300 Setbacks.

- B. Setback Standards. The following setback standards apply to all structures, except as otherwise provided by this section or specified in this code. See also special setbacks permitted in section BDC 3.6.200, Special Standards for Residential Uses and BDC Chapter 3.8, Development Alternatives.

Table 2.1.300 – Typical Residential District Setbacks

	Front	Rear	Side
UAR	10 ft./20 ft.	20 ft.	10 ft.
RL	10 ft./20 ft.	10 ft./20 ft.	10 ft.
RS	10 ft., except garages and/or carports must be setback 20 ft.	5 ft.**	3 ft.*/ 5 ft.**
RM-10, RM and RH	10 ft., except garages and/or carports must be setback 20 ft.	5 ft.**	5 ft.**

~~* Special setbacks for certain features as permitted in this section, BDC 3.6.200 (special standards for residential uses), and BDC Chapter 3.8, Development Alternatives.~~

~~** When multifamily unit residential or nonresidential uses abut a detached single-family one or more dwelling units in the RL or RS District, the setback abutting the RL or RS District must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.~~

F. ~~Setback Exceptions~~ Additional Setback Requirements.

2. ~~Attached Single-Family Townhomes. Interior side setbacks are zero feet.~~ Side setbacks for lot lines where townhouse units are attached is zero.

7. Side and Rear Setbacks. The following may encroach into the side and rear setback in the UAR, RL, RS, RM, RM-10 and RH:

- a. An uncovered porch, patio, deck or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be setback a minimum of 18 inches from the side and rear property lines, as long as it does not encroach into a public utility easement.
- b. Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into a public utility easement.
- c. Stairs, ramps and landings that are not roofed or enclosed above or below the steps may be in the side and rear setback when they are at ground level and follow the grade.

H. ~~Residential Compatibility Standards.~~ ***(Barrier to development)***

1. ~~Purpose. The residential compatibility standards in this section are intended to provide transitional buffers between existing neighborhoods and new lots and new parcels.~~
2. ~~Applicability. The residential compatibility standards apply to new lots and new parcels, unless exempted, that were created by a land division application submitted after September 16, 2015, that are zoned RS and abut existing residential properties zoned RS or RL which are 20,000 square feet or greater ("protected property"). For purposes of these standards only, the term "abut" also includes new lots and new parcels that are separated from a protected property by a lot or parcel, right-of-way, easement or open space that is less than the required minimum setback width. In such cases, the~~

~~required minimum setback is measured from the protected property line across the intervening lot or parcel, right of way, easement or open space area.~~

~~3. Development Standards. The following development standards shall apply to the new lots and new parcels that abut the protected property described in subsection (H)(2) of this section:~~

~~a. Lot Area and Setbacks.~~

~~i. Minimum lot area of 5,000 square feet to 5,999 square feet with a minimum 35-foot setback abutting the protected property; or~~

~~ii. Minimum lot area of 6,000 square feet or greater with a minimum 30-foot setback abutting the protected property.~~

~~b. The following are exceptions to the setback requirements:~~

~~i. Eaves, chimneys, bay windows, canopies, porches, and similar architectural features may encroach into the required setback by no more than two feet.~~

~~ii. Uncovered decks and similar structures not exceeding 18 inches in height may encroach into the required setback by no more than 20 feet.~~

~~iii. Accessory structures that do not require a building permit shall have a minimum setback of five feet.~~

~~iv. Walls and fences may be placed on property lines subject to the standards in BDC 3.2.500, Fences and Retaining Walls.~~

~~v. Existing structures located on the new lots or parcels. Additions to existing structures that occur after the new lot or parcel is platted are not exempt.~~

~~vi. Development on the new lots or parcels that occurs at any time after the abutting protected property is divided into one or more lots or parcels of less than 20,000 square feet may use the zoning district setbacks.~~

~~4. Exemptions. New lots or new parcels are exempt from the residential compatibility standards when one or more of the following conditions exist at the time the land division application is submitted:~~

- ~~a. The existing primary dwelling unit on the abutting protected property is located more than 100 feet from the protected property line.~~
- ~~b. When the abutting protected property is developed with a nonresidential use or the abutting residential use is a higher density than that of the proposed development. For example: a manufactured home park.~~
- ~~c. When the abutting protected property is vacant. For the purpose of this code section, "vacant" shall mean a property without a dwelling unit.~~
- ~~d. Where the abutting protected property has an active land division application or valid land division approval.~~
- ~~e. When the abutting protected property was created by a land division application submitted after September 16, 2015.~~

2.1.400 Building Mass and Scale

~~A. Applicability. Floor area ratio applies to the following:~~

- ~~1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;~~
- ~~2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;~~
- ~~3. The perimeter lots of all new single-family residential subdivisions that are less than 6,000 square feet in size and abut a subdivision platted prior to December 1998 where any abutting lot is 6,000 square feet or less.~~

~~B. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.~~

~~C. Exceptions to FAR.~~

- ~~1. Attached single-family townhomes without an accessory dwelling unit.~~

- ~~2. For single-family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit, see BDC 3.6.200(B), Accessory Dwelling Unit (ADU), for FAR.~~
- ~~3. Accessory structures less than 10 feet in height and 200 square feet in area.~~
- ~~4. Lots and parcels subject to BDC 2.1.300(H), Residential Compatibility Standards.~~
- ~~5. Lots and parcels subject to BDC 3.8.300, Small Dwelling Unit Development.~~

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
Single-Family Unit Detached Housing Dwelling; Manufactured Homes on Lots (See BDC 3.6.200(E)); Residential Care Homes and Facilities (See BDC 3.6.200(J))	UAR	10 acres	Width: 300 ft. min. average lot width with a min. street frontage of 150 ft.	No exceptions permitted
	RL	10,000 sq. ft.	Width: 50 ft. at front property line Depth: 100 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line except for townhomes and flag lots
	RS	4,000 sq. ft.	Width: 40 ft. at front property line Depth: 50 ft.	<u>Except for townhomes, corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone</u> (required by OAR)
	RM-10	2,500 sq. ft.	Width: 30 ft. at the front property line Depth: 50 ft.	<u>Lots or parcel existing prior to (insert date) that are less than 2,500 square feet in the RH zone may have a triplex or a quadplex.</u>
	RH	Not applicable	Not applicable	
Duplex and Triplex, and Quadplex. See BDC 3.6.200(H)	UAR	Not applicable	Not applicable	
	RL	Duplex: 10,000 sq. ft. Triplex: 20,000 10,000 sq. ft. Quadplex: 10,000 sq. ft.	Width: 50 ft. at front property line Depth: 100 ft.	Development alternatives: see BDC Chapter 3.8
	RS	Duplex: 4,000 sq. ft. Triplex: 9,000 4,000 sq. ft. Quadplex: 4,000 sq. ft.	Width: 40 ft. at front property line Depth: 50 ft.	
	RM	None Duplex: 2,500 sq. ft. Triplex: 4,000 sq. ft.	Width: 30 ft. at the front property line Depth: 50 ft.	

		<u>Quadplex: 4,000 sq. ft.</u>		
	RH	None <u>Duplex: 1,250 sq. ft.</u> <u>Triplex: 2,500 sq. ft.</u> <u>Quadplex: 2,500 sq. ft.</u>		
Single-Family Attached Housing (Townhomes) See BDC 3.6.200(D)	UAR	Not applicable	Not applicable	
	RL*, RS, RM-10 RM	2,000 <u>Average minimum lot or parcel size: 1,500 sq. ft. for each unit</u> 1,600 sq. ft. for each unit	Width: 20 ft. at front property line for interior townhome lots and 25 ft. at front property line for exterior townhome lots Depth: 50 ft.	
	RH	<u>Average minimum lot or parcel size: 1,200 sq. ft. for each unit</u>		
Multifamily-unit Housing Dwelling (more than 3-4 units)	UAR	Not applicable	Not applicable	
	RL*, RS*, RM-10	4,000 sq. ft. for each unit	Width: 30 ft. at front property line Depth: 50 ft.	
	RM, RH	None		

* When permitted as part of a master plan subject to BDC Chapter 4.5, Master Planning and Development Alternatives.

2.1.600 Residential Density.

- A. Residential Density Standard. The following density standards apply to all new development in all of the Residential Districts, except as specified in subsection (B) of this section. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Bend Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a subdivision or Master Planned Development). ~~For new subdivision applications, the gross density must not exceed the maximum units per acre for the respective zoning district.~~

Table 2.1.600
Residential Densities

Residential Zone	Density Range
Urban Area Reserve (UAR10)	1 unit/10 gross acres
Low Density Residential (RL)	1.1 – 4.0 units/gross acre
Standard Density Residential (RS)	4.0 – 7.3 units/gross acre
Medium Density Residential (RM-10)	6.0 – 10.0 units/gross acre
Medium Density Residential (RM)	7.3 – 21.7 units/gross acre
High Density Residential (RH)	21.7 – 43 units/gross acre

B. Exemptions. ~~The following are exempt from the density standards in subsection (A) of this section:~~

- ~~1. Residential care homes/facilities.~~
- ~~2. Accessory Dwelling Units (ADUs) are exempt from maximum density standards.~~
- ~~3. Bed and breakfast inns.~~
- ~~4. Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.~~
- ~~5. Buildings that are listed in the Inventory of Historic Sites within the Bend Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.~~
- ~~6. Manufactured home parks within the RS Zone are exempt from the maximum density standards of the zone; provided, that the standards of BDC 3.6.200(G) are met.~~
- ~~7. Replacement, renovation, or expansion of existing dwelling unit(s) in any zone provided the number of dwelling units does not change.~~

- ~~8. Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future phases.~~
- ~~9. Residential infill, as defined in BDC Chapter 1.2, is exempt from minimum density standards.~~
- ~~10. Partitions on properties that are large enough to be divided into four or more lots are exempt from minimum density standards; provided, that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.~~
- ~~11. Duplexes and triplexes are exempt from the maximum density standards in the areas designated RL and RS in the Bend Comprehensive Plan Map, except when lots are created as part of a new subdivision application.~~
1. The following are exempt from the density standards in subsection (A) of this section:
 - a. Residential care homes/facilities.
 - b. Bed and breakfast inns.
 - c. Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
 - d. Buildings that are listed in the Inventory of Historic Sites within the Bend Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
 - e. Replacement, renovation, or expansion of existing dwelling unit(s) in any zone provided the number of dwelling units does not change.
 - f. Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future
2. The following are exempt from the maximum density standards in subsection (A) of this section:
 - a. Accessory Dwelling Units (ADUs).
 - b. Manufactured home parks within the RS Zone; provided, that the standards of BDC 3.6.200(G) are met.
 - c. Duplexes, triplexes, quadplexes, townhomes and cottage cluster developments.

d. Multi-unit affordable dwellings. See BDC 3.6.200(C).

3. The following are exempt from the minimum density standards in subsection (A) of this section:

a. Residential infill, as defined in BDC Chapter 1.2.

b. Partitions on properties that are large enough to be divided into four or more lots; provided, that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.

2.1.700 Maximum Lot Coverage and Floor Area Ratio.

A. Maximum Lot Coverage and Floor Area Ratio. The following maximum lot coverage and floor area ratio standards apply, ~~to all development within the Residential Districts as follows:~~

Table 2.1.700

Residential Lot Coverage

Residential Zone	Lot Coverage	<u>FAR</u>
Low Density Residential (RL)	35%	<u>None</u>
Standard Density Residential (RS), <u>and</u> Medium-10 Density Residential (RM-10) and Medium Density Residential (RM)	50% for lots or parcels with single-story dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels. Exception. 60% for lots or parcels with attached single-family townhomes, duplexes, triplexes, and multifamily in the RM District.	<u>1.1 for three-story residential uses and accessory structures.</u> <u>None for all other uses.</u>

Table 2.1.700

Residential Lot Coverage

Residential Zone	Lot Coverage	<u>FAR</u>
<u>Medium Density Residential (RM)</u>	<p><u>50% for lots or parcels with single-story single-unit detached dwelling unit(s) and single-story accessory structures.</u></p> <p><u>45% for all other lots or parcels with single-unit detached dwellings and accessory structures and non-residential uses.</u></p> <p><u>60% for lots or parcels with townhomes, duplexes, triplexes, quadplexes and multi-unit and accessory structures.</u></p>	<u>None</u>
High Density Residential (RH)	None	<u>None</u>

B. Exceptions.

1. Lot Coverage Exception for Affordable Housing. See BDC 3.6.200(C).

2. Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.

2.1.800 Building Height.

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

A. Standard. The following building heights apply to all development within the Residential District:

- Buildings within the UAR, RL, RS, and RM-10 and RM Districts may be no more than 30 feet in height.
- Buildings within the RM Zone on lots and parcels ~~created after December 1998~~ may be no more than 35 feet in height.

3. Buildings within the RH Districts may be no more than 45 feet in height.

B. Exceptions to Maximum Building Height Standard for Affordable Housing. See BDC 3.6.200(C).

2.1.950 Design Standards.

A. **Applicability.** This section applies to all of the following types of buildings:

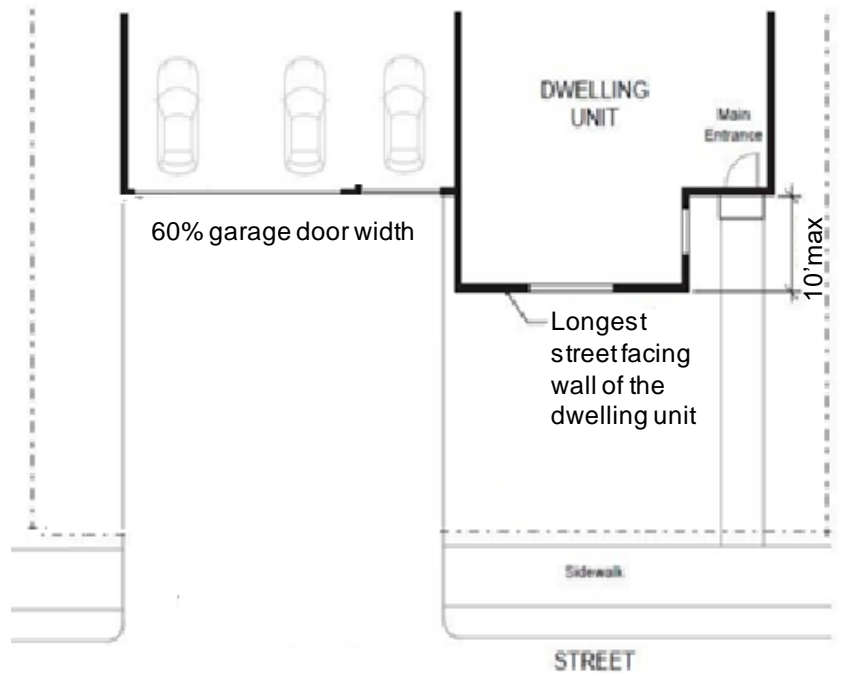
1. Triplex
2. Quadplex
3. Townhome

B. **Garage Door Standards.** The maximum combined garage door width facing the street is 50 percent of the total building width. As shown in Figure 2.1.950, the maximum combined garage door width facing the street may be up to 60 percent of the total building width if the front door entrance is within 10 feet of the longest street-facing wall of the dwelling unit.

1. Exemptions to Garage Door Standards.

- a. Existing garages legally constructed prior to (insert date of adoption).
- b. When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(1)(a) are met.

Figure 2.1.950



C. **Front Door Orientation Standards.** The following front door orientation standards are required for lots and parcels with frontage onto a public or private street. The entrance must either:

- i. Face the street;
- ii. Be at an angle of up to 45 degrees from the street;
- iii. Face a common open space that abuts the street and is abutted by dwellings on at least two sides; or
- iv. Open onto a porch. The porch must be at least 20 square feet in area & have at least one entrance facing the street or have a roof. A covered walkway or breezeway is not a porch.

v. Exemptions to Orientation Standards.

- a. Triplexes, quadplexes and townhomes created by a conversion of an existing dwelling unit.

- D. **Windows and Doors.** A minimum of 15 percent of the area of all street facing facades must include windows and/or doors. Gabled areas and garage doors (in blue) and roofs (in white) are not included in the base wall calculation when determining the minimum 15 percent calculation for windows/door areas. Facades separated from the street propertyline by a dwelling are exempt from meeting this standard.



2.1.1000 Multifamily-Unit Residential Districts (RM, RH).

- A. Purpose/Intent Statement. The Medium and High Density Residential Districts are intended to provide land for a mix of attached and multifamily-unit housing dwellings types in locations that are convenient to service commercial uses and future transit opportunities.

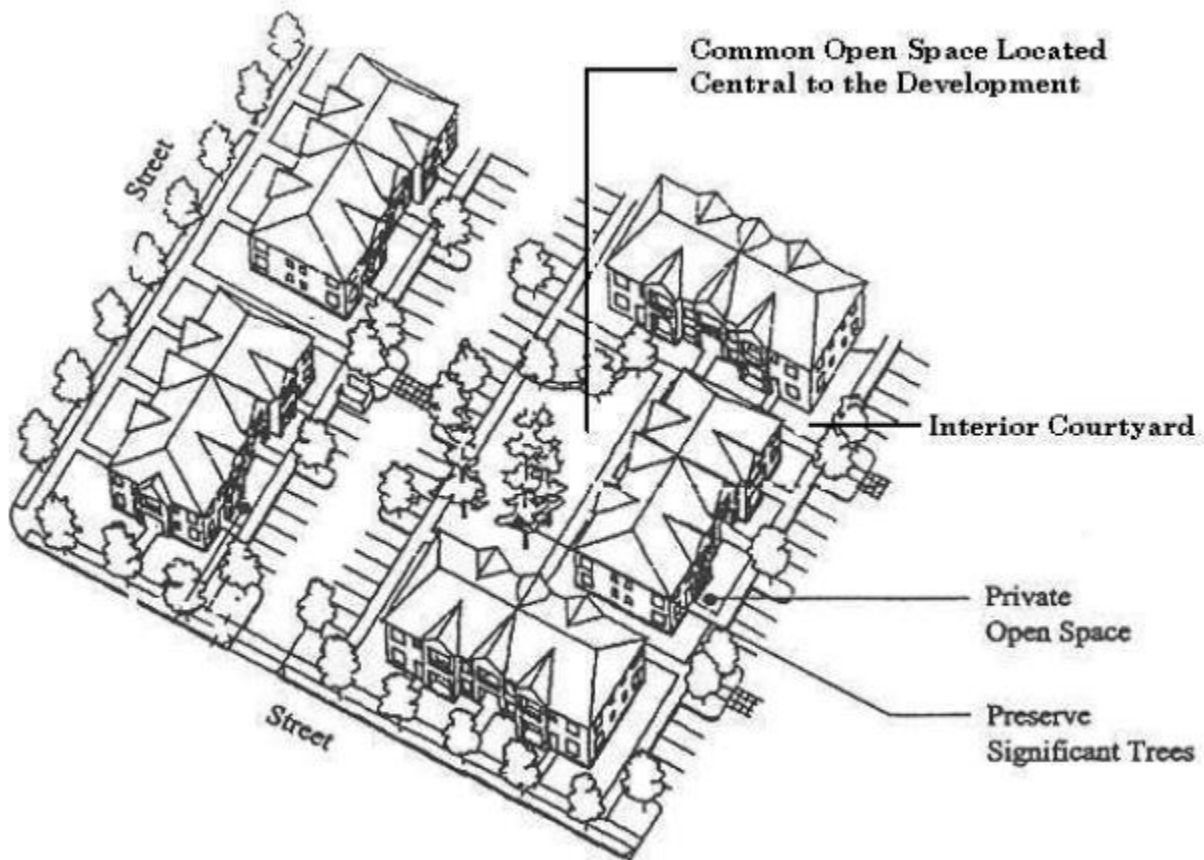
B. Development Standards for ~~Multifamily-unit~~ Multifamily-unit Developments in the RM and RH Districts. In addition to the site development standards in BDC Chapter 4.2, the following standards apply to ~~multifamily-unit~~ multifamily-unit developments of ~~four~~ five units or more, unless otherwise stated:

1. Common Open Space. In addition to the required setback yards, a minimum of 10 percent of the site area must be designated and permanently reserved as usable common open space in all large-scale (20 units or more) ~~multiple-family-unit~~ multiple-family-unit developments, unless a credit in subsection (B)(1)(a) of this section is approved. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Bend Comprehensive Plan may be counted toward meeting the common open space requirements.
 - a. Credit for Proximity to a Park. A common open space credit of 50 percent may be granted when the development is located within one-quarter mile walking distance of a public park; and there is a direct, accessible, and maintained trail or sidewalk between the development and the park that does not cross an arterial or collector street.
2. Private Open Space. Private open space areas are required for ground-floor and upper-floor housing units through compliance with all of the following standards:
 - a. Ground-floor housing units must have patios or decks at least four feet deep and measuring at least 48 square feet. **Ground-floor housing** means the housing unit entrance (front or rear) is within five feet of the finished ground elevation, after grading and landscaping;
 - b. A minimum of 50 percent of all upper-floor housing units must have balconies or porches at least four feet deep and measuring at least 48 square feet. **Upper-floor housing** means housing units that are more than five feet above the finished grade, after grading and landscaping; and
 - c. Ground-floor private open space areas must not be located within 12 feet of trash receptacles.
3. Trash Receptacles. Trash receptacles must not be located within setbacks for property lines shared with single ~~family-unit residences~~ detached and attached dwellings and must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.

- C. Housing Mix Standards in the RM District. In order to ensure a mix of housing types that meets the City's overall housing needs, in addition to minimum and maximum density standards in BDC 2.1.600, at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the RM District must be two- and three-family housing duplexes, triplexes, quadplexes, attached single-family townhomes, and/or multifamily-unit dwellings residential housing units. The standards of BDC 4.5.200(E) apply to properties of 20 acres in size and greater.

Figure 2.1.1000.A

Multifamily-Unit Housing Dwellings (typical site layout)



2.1.1100 Other Design Standards.

- E. Required vehicle parking in a dwelling unit's garage or carport must be a minimum of 9 feet by 18 feet.

Chapter 2.2
COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

2.2.300 Permitted and Conditional Uses.

The land uses listed in Table 2.2.300 are allowed in the Commercial Districts, subject to the provisions of this code. Uses that are listed in Table 2.2.300 and land uses that are similar are permitted or conditionally allowed. The land uses identified with a “C” in Table 2.2.300 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

Table 2.2.300 – Permitted and Conditional Uses

(Other uses in Table 2.2.300 remain unchanged)

Land Use	CB	*CC	CL	CG
Residential				
Existing Residential Use	P	P	P	P
*New residential use as part of a mixed-use development	P	P	P	P
*Temporary housing	C	N	P	P
*Micro-units as part of a mixed-use development. See BDC 3.8.200.	P	P	P	P
<u>*Home business (Class A/Class B/Class C)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

* Special standards for certain uses subject to BDC Chapter 3.6.

Chapter 2.3
MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU, and MN)

2.3.200 Permitted and Conditional Uses.

Table 2.3.200
Permitted and Conditional Uses
(Other uses in Table 2.3.200 remain unchanged)

Land Use	ME	MR	PO	MU	MN
Residential					
*Home business (Class A/Class B/Class C)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Key to Districts

ME = Mixed Employment

MR = Mixed-Use Riverfront

PO = Professional Office

MU = Mixed-Use Urban

MN = Mixed-Use Neighborhood

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Limited as specified in subsection (C) of this section

* Special standards for certain uses subject to BDC Chapter 3.6 and BDC 2.1.900.

Chapter 2.7
SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS.

2.7.100 Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

Special Planned Districts, Refinement Plans, Area Plans and Master Plans describe in more detail the type of development planned for a specific area than is typically found in a Comprehensive Plan, zone map, or public facilities plan. A Special Planned District, Refinement Plan or Area Plan may be initiated by the City Council at its own initiative in compliance with BDC Chapter 4.1, Development Review and Procedures, and BDC Chapter 4.6, Land Use District Map and Text Amendments and the Area Plan policies contained in Chapter 11 of the Comprehensive Plan (Type IV process), or at the request of property owners in compliance with BDC Chapter

4.5, Master Planning and Development Alternatives, and BDC Chapter 4.6, Land Use District Map and Text Amendments (Type III process).

Special Planned Districts, Refinement Plans, Area Plans and Master Plans adopted before January 1, 2021, may allow a net residential density of at least eight dwelling units per acre.

As of January 1, 2021 and after the lot or parcel has been developed, duplexes, triplexes, quadplexes, cottage clusters and townhouses are permitted on lots or parcels that allow a single-unit detached dwelling.

Article II. NorthWest Crossing Overlay Zone

2.7.300 NorthWest Crossing Overlay Zone.

2.7.320 Districts.

B. Standard Density Residential District.

3. Uses Permitted.

- a. All uses permitted in the Standard Density Residential Zone, except neighborhood commercial uses.
- b. ~~Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.~~
- c. Notwithstanding subsection (B)(3)(a) of this section, preschool use and child care facility use ~~shall~~ are not be permitted on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically described in Exhibit C of Ordinance NS-2131).
- d. Notwithstanding subsection (B)(3)(a) of this section, the use of the approximately 100-foot-wide set aside area on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically

described in Exhibit D of Ordinance NS-2131) ~~shall be~~ is restricted to the following uses:
neighborhood park, single-family unit detached housing, duplexes, accessory dwellings, Type 1
home occupation, accessory uses and structures.

4. Conditional Uses.

- a. ~~Except for duplexes, which are allowed on identified duplex lots on approved subdivision plats,~~
Conditional uses permitted in the underlying Standard Density Residential Zone are subject to a
Conditional Use Permit and the provisions of BDC Chapter 4.4.

- ~~7. Site Plan Review. A duplex located on a lot approved as a duplex lot on an approved subdivision plat
is not subject to a site plan review under the provisions of BDC Chapter 4.1, Development Review and
Procedures.~~

C. Residential Townhome Overlay District.

1. Purpose. The purpose of the Townhome Overlay District is to permit townhomes along collector
streets, adjacent to public parks or a Multiple-Family District. The Townhome District will allow a
diversity of housing types and a mix of residential density within North West Crossing.

2. Uses Permitted.

- a. All uses permitted in the Standard Density Residential Zone.
- ~~b. Townhomes.~~
- ~~c. Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum
lot size for a duplex.~~

3. Conditional Uses.

- a. ~~Except for duplexes, which are allowed only on identified duplex lots on approved subdivision
plats,~~ All conditional uses permitted in the underlying Standard Density Residential Zone, subject
to a Conditional Use Permit and the provisions of BDC Chapter 4.4.

~~7. Site Plan Review. Townhomes and duplexes on a lot approved as a duplex lot on a subdivision plat are not subject to site plan review under BDC Chapter 4.2, Site Plan Review and Design Review.~~

Article III. Dean Swift Refinement Plan Development Standards

2.7.400 Dean Swift Refinement Plan Development Standards.

A. Purpose. The Dean Swift Refinement Plan overlay is intended to implement the Dean Swift Neighborhood Plan concepts and to create special overlay zoning standards for the residential and mixed-use designations within the refinement plan area. The overlay standards will:

- Provide a variety of housing types.
- Locate higher densities near commercial corridors and services or along transit corridors.
- Create opportunities for neighborhood-oriented services.
- Ensure compatibility within the neighborhood and surrounding area.
- Improve the local street grid for automobiles and pedestrian benefit.
- Create a livable neighborhood for all ages.

The Dean Swift Refinement Plan area is approximately 29 acres in size. The area is intended to remain primarily residential in character and use. Through the refinement plan public process, approximately 2.05 acres of the total land area were identified for development as Mixed Employment. In addition, residential sub-areas within the neighborhood have been identified to create a transition between the commercial high use areas along Highway 20 and the established residential uses to the south. The sub-areas are shown on the attached map. ~~The Dean Swift residential neighborhood will have an overall density between six and 21 units per acre. However, development standards and densities will be different within each sub-area.~~

B. Use Standards. The special standards of the Dean Swift Refinement Plan area supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone apply.

1. Modified RM Residential Overlay.

a. Sub-area "A" is located along the north side of Carl and Don Streets and south of the Highway 20 Commercial District. Sub-area "A" does not extend to Purcell Boulevard. The purpose of this area is to provide a transition between the commercial development to the north along Highway 20 and the residential neighborhood. The development characteristics of sub-area "A" are as follows:

- The residential density range is 10 to 21 units per gross acre.
- The maximum building height is 40 feet.
- Lot coverage ~~has been increased to~~ is 50 percent except townhomes, duplexes, triplexes, quadplexes and multi-units is 60%. ~~to allow flexibility to develop higher residential densities.~~
- Two locations within the sub-area have been designated for "live/work" development. This allows low impact commercial use on the ground floor of a building; provided, that an equal or greater area of residential use is provided on the upper floors.

b. Sub-area "B" is located between Carl Street and Damascus Street, west of Dean Swift Road. The purpose of sub-area "B" is to provide a diversity of housing types in close proximity to goods and services. The development characteristics of sub-area "B" are as follows:

- The residential density range for this sub-area is seven to 12 units per gross acre.
- ~~The minimum lot size in this sub-area is 4,500 square feet, except where zero lot line attached housing is proposed, the minimum lot size can be 2,000 square feet.~~
- ~~Lot coverage is increased to 45 percent to allow the flexibility for a variety of housing types.~~
- ~~The maximum building height is 35 feet.~~

c. Sub-area "C" is located north of Bear Creek Road, south of Damascus Street along the west side of Dean Swift Road. A second area encompasses an existing single-family unit development lying south of Don Street and west of the north/south extension of "C" Street. This area represents a more traditional residential neighborhood. The development characteristics of sub-area "C" are as follows:

- The residential density range for this sub-area is six to 10 units per gross acre.

- ~~The predominant housing type will be single-family except on corner lots where duplex and triplex units may be developed provided each duplex unit shall access and/or front on different streets.~~
 - ~~Accessory dwelling units that are subordinate to the main home are encouraged.~~
 - ~~The minimum lot size is 5,000 square feet.~~
 - ~~On lots greater than 7,000 square feet, two detached homes may be built, provided all provisions of this code can be met.~~
 - ~~The maximum lot coverage is 45 percent.~~
 - ~~The maximum building height is 35 feet.~~
- d. Sub-area "D" is located north of Bear Creek Road between Dean Swift Road and the north/south extension of "C" street. The development characteristics of sub-area "D" are as follows:
- The residential density range for this sub-area is 12 units to 17 units per acre.
 - ~~The allowable housing types are attached single-family townhomes and multifamily.~~
 - ~~Attached single-family townhomes and multifamily buildings must not exceed six dwelling units.~~
 - The maximum building height is 40 feet.
 - ~~The maximum lot coverage is 45 percent.~~

- J. Design Standards. The design standards are intended to provide detailed human-scale design to preserve the quaint character of the neighborhood while allowing flexibility to develop a variety of building types.

All single-family unit detached dwellings, duplexes, triplexes, quadplexes, cottage clusters, townhomes, multiple-family unit, mixed-use and commercial buildings must comply with all of the following standards. The illustrations provided are intended to show how to comply, not restrict building types. Other building types and designs can be used to comply so long as they are consistent with the design standards.

All buildings ~~shall~~ must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of building surfaces.

1. Detailed Design Elements. All buildings ~~shall~~ must provide detailed design along all elevations (front, sides, and rear). A minimum of five architectural features ~~shall~~ must be provided on the front elevation and a minimum of three architectural features ~~shall~~ must be provided on the side and rear elevations selected from the following list of features:

Article IV. Medical District Overlay Zone

2.7.530 Development Standards.

- A. Height Regulations. No building or structure ~~shall hereafter~~ can be erected, enlarged or structurally altered to exceed a height of 45 feet without approval of a variance.
- B. Lot Requirements. The following lot requirements must be observed:

- ~~1. Lot Area. For all dwelling units including single-family dwellings, two- and three-family housing, and multiple-family housing in the underlying RM Zone, the lot shall be a minimum area of 2,500 square feet for the first unit plus 2,000 square feet for each additional dwelling unit.~~

~~For all dwelling units including single-family dwellings, two- and three-family housing, and multiple-family housing in the underlying RH Zone, the lot shall be a minimum area of 2,500 square feet for the first unit plus 1,000 square feet for each additional dwelling unit. (Inconsistent with density requirements)~~

~~For any other use there shall be no minimum lot area.~~

- ~~1. 2- Lot Width. For single-family unit dwellings, two- and three-family housing duplexes, triplexes, quadplexes and multiple-family housing unit the lot shall~~ must be a minimum width of 30 feet. This lot width may be reduced to 20 feet for lots in an approved ~~zero lot line townhome subdivision~~ land division.

For any other use there ~~shall be~~ is no minimum lot width.

~~2.3.~~ Front Yard Setback. The minimum front yard setback ~~shall be~~ is 10 feet except on corner lots where the clear vision clearance area requirements ~~shall~~ apply and, except when adjacent to a lot outside of the Medical District Overlay Zone, the front yard setback ~~shall be~~ is same as the front yard setback required in the adjacent zone.

~~3.4.~~ Side Yard Side and Rear Setback. ~~The minimum side yard setback shall be five feet. The side yards shall be increased by one-half foot for each foot by which the building exceeds 15 feet in height.~~

~~For existing or development of new single-family detached housing the side yard setback shall be a minimum of five feet on each side.~~

~~The side yard setback distance for one or both sides may be waived for an approved zero lot line subdivision or partition.~~

~~5.~~ Rear Yard. ~~The minimum rear yard setback shall be five feet except when adjacent to a lot outside of the Medical District Overlay Zone and then the rear yard setback shall be a minimum of 20 feet. The required rear yard setback shall be increased by one-half foot for each foot by which the building exceeds 15 feet in height.~~

The minimum rear and side setback is five feet.

Exceptions. When a multi-unit residential or nonresidential use abuts a lot or parcel with a single-unit detached dwelling or a middle housing dwelling unit located outside of the Medical District Overlay Zone, the setback abutting the single-unit detached dwelling or middle housing dwelling unit must increase one-half foot for each foot by which the building height exceeds 15 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

~~6.~~ Side and rear yard setbacks for duplexes and triplexes are subject to standards in BDC 3.6.200(H), Duplex and Triplex Development.

~~4.7.~~ Lot Coverage. The following maximum lot coverage standards apply to all development within the MDOZ:

Lot Coverage

Zone	Maximum Lot Coverage
Medium Density Residential (RM)	50% for lots or parcels with single family unit detached dwelling unit(s). 60% for lots or parcels with single family attached townhomes, duplexes, triplexes, quadplexes and multifamily unit . For any other use there is no maximum lot coverage.
High Density Residential (RH)	None
Convenience Commercial (CC) District	None

C. Off-Street Parking. Off-street parking ~~shall~~ must be provided as required in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

Article VII. Murphy Crossing Refinement Plan

2.7.820 Districts.

C. Permitted Land Uses. Unless otherwise specified in the table below, the land uses listed within the applicable zoning districts within this Development Code ~~shall~~ must be permitted, subject to the provisions of this code.

Table 2.7.820.C

Land Use	RS	RM	ME	CG
Residential				

Table 2.7.820.C

Land Use	RS	RM	ME	CG
<u>All residential uses permitted or conditionally allowed in the underlying zoning district</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>
Single-Family Detached (as primary use)	P	N	N	N
Single-Family Attached (Townhomes or Condominiums)	-	-	-	-
• as primary use	P (max. 2 units)	P	N	N
• as secondary use	N	N	P	C
Multifamily	-	-	-	-
Duplex/Triplex	N	P	P	N
• Multi-units	N	P	P	N
Commercial/Mixed-Use				
All Commercial/Mixed-Use Buildings				
• Building footprint less than 10,000 sq. ft.	N	N	P	P
• Building footprint 10,000 – 20,000 sq. ft. w/ max. building size of 30,000 gross sq. ft.	N	N	C	P
• Building footprint 20,000 – 50,000 sq. ft. w/ max. building size of 60,000 sq. ft.	N	N	N	P
• Building footprint greater than 50,000 sq. ft. w/ max. building size of 100,000 sq. ft. (location restricted to the north 400 ft. of the CG Zone)	N	N	N	P
Recreation Facilities	N	N	C	C

D. Special Development Standards. In addition to the development standards outlined in the City's Development Code, the following standards shall apply as indicated:

Table 2.7.820.D

Standard	RS Single-Family Unit	RM Multifamily Unit	ME Mixed-Use	CG General Commercial
Density	4 – 7.3 units/gross acre	7.3 – 21.7 units/gross acre		NA
Lot size	6,000 sq. ft. min.	2,000 sq. ft. min.	NA	NA

Article IX. Farmington Reserve Master Planned Development

2.7.965 Permitted Uses.

A. Only detached single-family dwellings, with or without accessory dwelling units, shall be permitted in the Single-Family Overlay District. Only multifamily housing shall be permitted in the Multifamily Overlay District. The overlay districts are shown on the Farmington Reserve Master Plan Overlay Map, Figure 2.7.980 and permit the following uses:-

1. Single-Unit Overlay District. Residential uses permitted in BDC Table 2.1.200 Permitted and Conditional Uses for the Standard Density Residential (RS) District.
2. Multi-Unit Overlay District. Residential uses permitted in BDC Table 2.1.200 Permitted and Conditional Uses for the Medium Density Residential (RM) District.

2.7.970 Development Standards.

The special standards of the Farmington Reserve Master Plan area ~~shall~~ supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone ~~shall~~ apply.

- A. Setbacks Standards. Setback standards are as listed in Table 2.7.970. All single-~~family dwelling unit~~ lots (except Lots 11 through 16 along the north boundary) ~~shall be~~ are exempt from solar setback standards.

Table 2.7.970 – Setbacks

Use	<u>Front Setbacks</u>	Side	Rear
Single-Family Detached <u>Single-Unit Overlay District</u>	10 feet, except garages shall be 20 feet <u>RS standards in BDC 2.1.300, Setbacks.</u>	5 feet	5 feet
Multifamily <u>Unit Overlay District</u>	10 feet, except garages shall be 20 feet <u>RM setbacks in BDC 2.1.300, Setbacks.</u>	5 feet	5 feet

~~Note: Multifamily development that abuts RS zoned or designated property on the periphery of the master plan boundary, the rear and side yard setbacks shall must increase beyond the minimum stated in BDC 2.7.970 by one-half foot for each foot by which the building height exceeds 20 feet. Where a street or alley is at the periphery of the master plan, the width of the right-of-way or easement shall be is included in the setback measurement. (Delete this if BDC 2.1.300.D.2 remains)~~

B. Building Height. Building height requirements are based on use as follows:

- ~~1. Single-family dwellings: 35 feet.~~
- ~~2. 1. Multifamily units and quadplexes (more than three attached units): 45 feet.~~
2. All other residential uses: 35 feet.

~~C. Density. The maximum number of dwelling units shall be 293 (65 single-family and 228 multifamily). Density may be averaged across the residential districts; provided, that, The overall density for the entire master plan development area must meets the RM zone density requirement of 7.3 to 21.7 units per acre.~~

Figure 2.7.980

Farmington Reserve Master Plan Overlay Map

(Map remains unchanged)

Single-Unit District	
Multi-Unit District	
OPEN SPACE	
PUBLIC LOCAL STREET	
PRIVATE LOCAL STREET	
PUBLIC ALLEY	
PEDESTRIAN ACCESS	

Article XII. Stone Creek Master Planned Development

2.7.3000 Stone Creek Master Planned Development.

2.7.3040 Development Standards.

The special standards of the Stone Creek Master Plan area supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone apply. ~~An exception to BDC 2.1.300(H), Residential Compatibility Standards, was granted for the lots along the west boundary, south of the future extension of Polon Avenue.~~ **(Delete if 2.1.300.H goes away)**

A. Setbacks Standards.

Table 2.7.3040 – Setbacks

Use	Front	Side	Rear
Single-Family Unit Detached	10 feet, except garages must be 20 feet	5 feet	5 feet
Duplex/Triplex/ <u>Quadplex</u>	10 feet, except garages must be 20 feet	5 feet	5 feet
Multifamily Unit	10 feet, except garages must be 20 feet	5 feet	5 feet

Table 2.7.3040 – Setbacks

Use	Front	Side	Rear
Single-Family Attached (Townhomes)	5 feet, except garages must be 20 feet	0 feet	0 feet
Neighborhood Commercial	10 feet	5 feet, when abutting residential	0 feet
Other Conditional Uses per BDC 2.1.200	10 feet	0 feet	0 feet

B. Building Height. Building height requirements are based on the districts in Figure 2.7.3075.A as follows:

1. ~~Single-Family Unit~~ Residential District, ~~duplex and triplex dwellings~~: 35 feet.

C. Building Mass and Scale. There is no minimum or maximum floor area ratio requirement. All single-family ~~unit~~ dwellings, townhomes, duplexes, ~~and triplexes~~ and quadplexes have a maximum lot coverage of 60 percent. Multifamily housing, commercial and public uses have no maximum lot coverage.

D. Lot Area and Dimensions.

1. Single-family ~~unit~~ detached, duplexes and ~~attached units~~ townhomes must meet the lot area and dimension requirements for the RM zone contained in BDC Table 2.1.500.
2. The minimum lot area ~~for duplex units is 4,000 square feet, and is 5,500 square feet for triplex and quadplex units. Both duplex and Triplex and quadplex units~~ must have a minimum lot width of 30 feet and a minimum lot depth of 80 feet.

2.7.3050 Single-Family Unit District.

Development within the Single-Family ~~Unit~~ District is limited to detached or attached (townhome) single-family ~~unit~~ dwellings, duplexes, ~~and triplexes~~, and quadplexes, with no more than ~~three~~ four dwelling units on a single lot.

2.7.3055 Multifamily-Unit District.

~~Multifamily-unit housing dwellings~~ may be located on platted lots, as zero lot line products, or as units in a condominium or apartment development with shared use of common facilities such as driveways, parking areas, sidewalks, entryways, pedestrian access corridors, open space and lawn areas. ~~Multifamily-unit housing dwellings~~ need not have frontage on a public road so long as permanent legal access established through a nonrevocable easement, with provisions for maintenance, is provided to each dwelling unit.

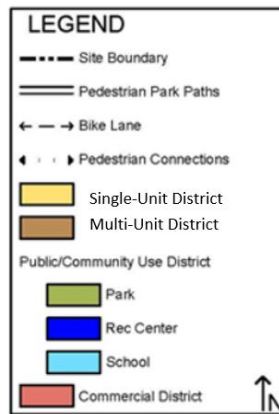
2.7.3070 Housing Mix and Density.

The Stone Creek Master Planned area includes 87.7 acres of total land area. The north 48 acres are zoned RM. The RM zoned area was developed with Silver Rail Elementary School and the neighborhood park, leaving 30 developable acres of RM zoned land. The south half of the plan area is 39.5 acres, of which 1.65 acres are zoned CC and 0.65 were added to the neighborhood park, leaving 37.2 acres of developable RS land. The density averaged over the master plan development area results in a minimum of 555 dwelling units, ~~and maximum of 925 dwelling units.~~

The master plan area provides for a mix of housing types as two, ~~and three~~ and four-family-unit housing as allowed in the Single-Family District Zone, in compliance with BDC 2.7.3040(D), and incorporates ~~attached single-family townhomes, and/or multifamily-unit~~ residential housing units in the Multifamily-Unit District and Commercial District.

Figure 2.7.3075.A

(Map remains the same except multi-family is multi-unit)



Article XIII. Wildflower Master Planned Development

2.7.3145 Site Plan and Design Review.

Type II site plan and design review is required for most development as specified under BDC Chapter 4.2, ~~except as specified in this section.~~ Type I minimum development standards review is required for ADUs, duplexes, triplexes, quadplexes or townhomes in the Wildflower Master Planned Development. Type II site plan review is required for ~~cottage housing~~ certain types of housing options under Chapter 3.8 if not addressed through a Type II Land Division tentative plan for individual cottage lots is not proposed or required. Special Standards in Chapter 3.6 and 3.8 may apply to certain types of residential development.

~~A. Accessory Dwelling Units. Accessory dwelling units must meet the standards contained in BDC 3.6.200(B).~~

~~B. Duplexes and Triplexes. Duplexes and triplexes must meet the standards contained in BDC 3.6.200(H).~~

~~C. Townhomes. Townhomes must meet the standards contained in BDC 3.6.200(D).~~

~~D. Cottage Housing. Cottage housing must meet the standards contained in BDC 3.8.500.~~

Article XIV. Bend Central District

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

(Other uses in Table 2.7.3320 remain unchanged)

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				
*Accessory Dwelling Units (ADUs)	P	P	P	P
Attached Single-Family Townhomes	P	P	P	P
<u>Quadplexes</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Multifamily-unit Residential	P	P	P	P
Live/Work Dwelling Unit	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)
Residential as Part of Mixed-Use Development	P	P	P	P
Micro-units (see BDC 3.8.200)	P	P	P	P

2.7.3230 Development Standards.

G. There is no minimum or maximum residential density standard in the Bend Central Density.

2.7.3240 Design Standards

- A. Development in the BCD is subject to the following design standards. These standards are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, but replace design standards of the underlying zoning district and the standards in BDC 3.6.200(D), ~~Single-Family Attached Townhomes~~, and BDC 3.6.200(I), Residential Uses within Commercial

Districts, BDC 2.3.400, Site Layout and Building Orientation and BDC 2.2.500, Site Layout and Building Orientation.

2.7.3250 Parking.

A. In the BCD the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

a. Residential Uses.

- i. ~~Single-family attached~~ Townhomes: one space per dwelling unit.
- ii. Live/work dwelling unit: one space per live-work dwelling unit.
- iii. Residential uses in a mixed-use development, quadplexes, multifamily-unit, micro-units and commercial-ready space used as residential: one-half space per dwelling unit.
- iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.
- v. Temporary Housing: ~~one space per 500 square foot of gross floor area.~~ None.

Article XIX. Discovery West Master Planned Development

2.7.3710 Purpose.

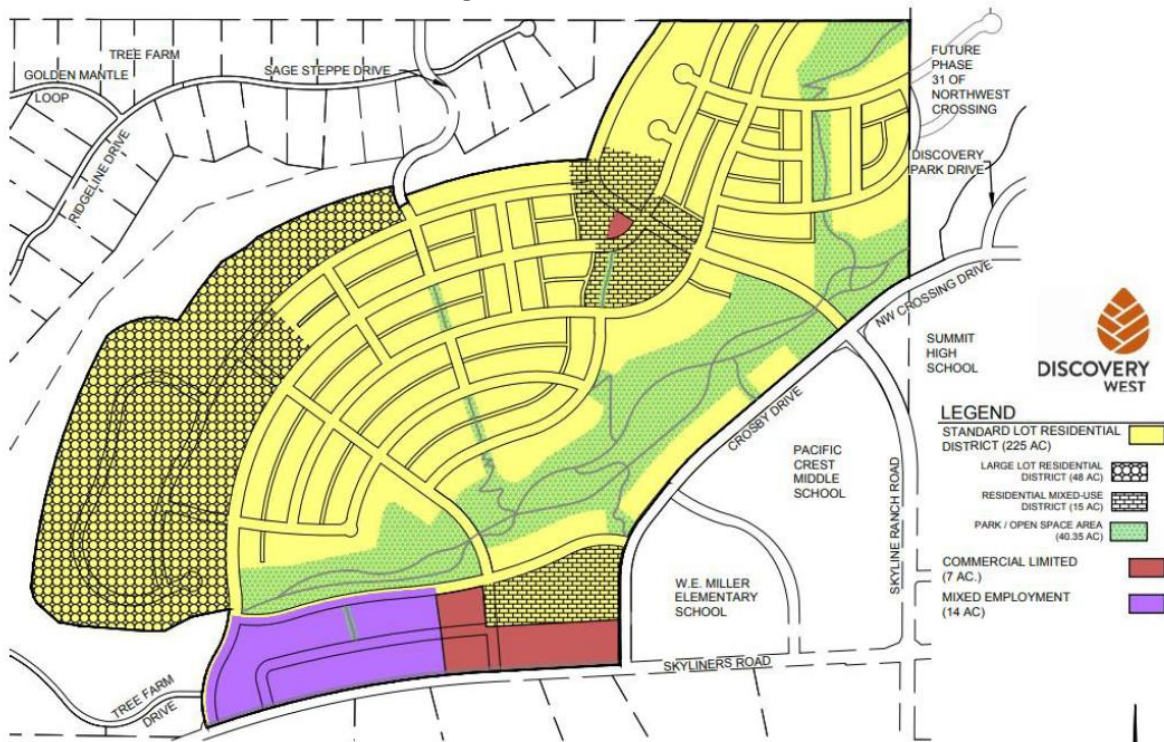
The purpose of the Discovery West Master Planned Development is to implement Bend Comprehensive Plan policies regarding the West UGB Expansion Area (Master Plan Area 1 under Chapter 11 of the Bend Comprehensive Plan), and to create overlay development standards for the Residential, Commercial and Employment Districts within the Discovery West Master Plan area. The development standards will:

H. Implement the relevant policies of the Bend Comprehensive Plan:

1. The central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that began with North West Crossing with the existing concentration of schools, parks, commercial and employment lands; and creates a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.
2. Establishing appropriate development regulations to implement the transect concept; develop measures to make the development and structures fire resistant; and implement RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.
3. ~~Provide up to 650 housing units, including~~ Include a minimum of nine percent single-family unit attached units (minimum of 54 ~~to 60~~) and a minimum of 21 percent multifamily unit and duplex/triplex/quadplex units (minimum 128 ~~to 142~~ units). The minimum required units (total and by housing type) is ~~90 percent of the specified maximum, or 585 total dwelling units.~~

2.7.3730 Districts.

Figure 2.7.3730 Districts.



A. Large Lot Residential District.

1. Purpose. The purpose of the Large Lot Residential District is to implement the low-density single-family unit residential lot component of the west side transect as identified in the Bend Comprehensive Plan. The increased setbacks in this district are intended to serve as greater buffers for wildlife passage and greater separation between structures for increased wildfire resilience.
2. Density. The Large Lot Residential District will accommodate approximately 50 single-family unit detached dwelling and duplex residential lots.

C. Residential Mixed-Use District.

1. Purpose. The Residential Mixed-Use District is applied in locations adjacent to collector or arterial streets, Commercial Limited or Mixed Employment zones, or public parks to satisfy BCP Policy by allowing a variety of housing types, higher density residential uses, and live/work housing to form the highest density residential component of the transect along with some limited small-scale commercial opportunities in the live/work townhomes.

2. Density. The Residential Mixed-Use District will accommodate at least 54 to 60 attached single-family units and at least 128 to 142 multi-family units, duplex, ~~or~~ triplex or quadplex residential units as required by BCP Policy 11-104.

2.7.3740 Review Procedures.

The following review procedures are applicable to uses within the Discovery West Master Planned Development:

- A. Design Review. Townhomes, live/work townhomes, cluster housing, duplexes, triplexes and ~~fourplexes~~ quadplexes located on lots specifically approved as such will not be subject to design standards of the underlying zoning district and the standards in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

2.7.3750 Large Lot Residential District.

- A. Permitted Uses.

1. Detached single-family unit dwelling.
2. Accessory uses and structures.
3. Accessory dwelling unit.
4. Family childcare home (16 or fewer children).
5. Neighborhood, community, and regional parks.
6. Home business (Class A, Class B) subject to the provisions of BDC 3.6.200(N).
7. Duplex.
7. ~~8. Duplexes and triplexes~~ on lots specifically designated for development as such on an approved subdivision tentative plan.

2.7.3760 Standard Lot Residential District.

A. Permitted Uses.

1. Detached single-family unit dwelling.
2. Accessory uses and structures.
3. Accessory dwelling unit.
4. Family childcare home (16 or fewer children).
5. Neighborhood, community, and regional parks.
6. Home business (Class A, Class B) subject to the provisions of BDC 3.6.200(N).
7. Duplex
7. ~~8. Duplexes and Triplexes~~ on lots specifically designated for development as such on an approved subdivision tentative plan.

2.7.3770 Residential Mixed-Use District.

A. Permitted Uses.

1. All uses permitted or conditionally permitted in the Standard Lot Residential District.
2. Multifamily unit housing.
3. ~~Attached single-family~~ Townhome.
4. Live/work townhome subject to the provisions of this district.
5. Cluster housing development.
6. Quadplexes

C. Height Standards. The following height standards apply in the Residential Mixed-Use District:

Table 2.7.3770 Height Standards in the Residential Mixed-Use District

Use	Building Height
Single-family unit detached	30 feet
Townhome, live-work townhome , duplex, triplex	35 feet
Multifamily unit housing, live-work townhome and quadplex	45 feet
Cluster housing – Cottage	25 feet
Cluster housing – Mews	35 feet

F. Platting Lots for Specific Uses. The following standards apply for the Residential Mixed-Use District:

1. The tentative plan application for a subdivision phase in the Residential Mixed-Use District must specify the housing type and a minimum and maximum number of residential units intended for each lot.
2. A deed restriction must be recorded with each lot in the RMUD intended for duplex, triplex, quadplex, ~~multifamily unit~~ or attached single-family unit housing dwellings specifying a minimum and maximum range of housing units to ensure BCP Policy 11-104 is satisfied as to the type and total number of housing units specified for the West UGB Expansion Area Master Plan Area 1.

G. Special Standards for Live/Work Townhomes.

1. The location of lots where live/work dwellings may be sited must be specified in the tentative plan application for that development phase.
2. Live/work townhome lots may be designed without frontage on a public street when the lots abut the commercial lot to be developed as a plaza at the northwest corner of the Skyline Ranch Road/Ochoa Drive intersection. Townhome lots fronting the plaza must take access from a rear alley, and the property line fronting the commercial lot will be considered a front property line.
2. 3. The commercial or office portion of the building may not exceed 50 percent of the square footage of the entire building, excluding any garage.
3. 4. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. No more than four off-street parking spaces must be provided for each live/work townhome.

4. ~~5.~~ No outside storage of materials or goods related to the work occupation or business is permitted.
5. ~~6.~~ If the business is open to the public, public access must be through the work area front door and the business may not be open to clients or the public before 7:00 a.m. or after ~~7:00~~ 10:00 p.m.
7. The residential portion of live/work townhomes may include a primary residence as well as an accessory dwelling unit. Residential units on any designated live/work townhome lot may be operated as short-term rental units and are not subject to the concentration limits in BDC 3.6.500, Short-term Rentals.
8. The following ~~commercial~~ uses are allowed in live/work townhomes:

Article XXI. Petrosa Master Planned Development

2.7.3930 Definitions.

- A. ~~Fourplex~~ Quadplex means a type of housing with four attached dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally.

2.7.3940 Review Procedures.

The following review procedures are applicable to uses and structures within the Petrosa Master Planned Development:

- A. Single-family dwellings, accessory dwelling units, live/work townhomes, duplexes, triplexes, and ~~four quadplexes~~ are subject to BDC 4.2.400, Minimum Development Standards Review. BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply. ~~These uses that meet the standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review.~~ A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria is required and will be verified through the building permit process.

2.7.3950 Residential Zoning Districts.

Table 2.7.3950 – Permitted and Conditional Uses
(Other uses in Table 2.7.3950 remain unchanged)

Land Use	RS	RM	RH
Residential			
Single-Family Unit Detached Housing Dwelling	P	P	N
*Accessory Dwelling Units (ADUs)	P	P	P
* Attached Single-Family Townhomes	P	P	P
Live/Work Townhomes	N	N	P
Duplexes, Triplexes, Fourplexes Quadplexes	P	P	P
**Cottage Developments	P	P	P

- D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type of residential structure being occupied. For lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Lot Areas and Dimensions in Petrosa Residential Districts by Housing Type and Zone

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Family Unit Detached Housing	RS	Minimum area: 2,800 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 75 ft.
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.
	RH	Not applicable	Not applicable
	RS	Minimum areas –	<u>Duplex</u>

Lot Areas and Dimensions in Petrosa Residential Districts by Housing Type and Zone

Residential Use	Zone	Lot Area	Lot Width/Depth
Duplexes, Triplexes, and Fourplexes <u>Duplexes, Triplexes, and Fourplexes</u>		Duplex: 5,000 <u>2,800</u> sq. ft. Triplex: 7,500 sq. ft. Fourplex: 10,000 sq. ft.	<u>Minimum width: 30 ft. at front property line</u> <u>Minimum lot depth: 50 ft.</u> <u>Triplex and Quadplex:</u> Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.
	RM	None	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.
	RH	None	
Single-Family Attached Housing (Townhomes)	RS	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 24 ft. at front property line for exterior townhome lots Minimum lot depth: 50 ft.
	RM	Minimum area: 1,600 sq. ft. for each unit	
	RH	Minimum area: 1,200 sq. ft. for each unit	
Multifamily Unit Housing (5+ Units)	RS	Not applicable	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.
	RM, RH	None	

- F. Maximum Lot Coverage. The following maximum lot coverage standards apply to all development within the residential districts as follows:

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS)	50% for lots with 2+ story homes 55% for lots with single-story homes
Medium Density Residential (RM)	50% for lots with 2+ story homes 55% for lots with single-story homes 60% for lots with attached single-family townhomes, duplexes, triplexes, <u>quadplexes</u> and <u>multifamily unit</u>
High Density Residential (RH)	None

K. Additional Standards for Duplexes, Triplexes and ~~Fourplexes~~ Quadplexes. Duplex, and triplex and quadplex development must comply with the following standards, which replace the standards in BDC 3.6.200(H):

1. Driveway approaches must comply with the following standards:

- a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (K)(1)(c) of this section.
- b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.
- c. In addition, lots or parcels with more than one frontage must comply with the following:

- iii. Lots or parcels with frontages only on local streets must comply with the following:

(C) ~~Fourplexes~~ Quadplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

- d. Clear vision standards do not apply between driveway approaches for duplexes, ~~and triplexes~~ and quadplexes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.

Article XXII. Treeline Master Planned Development

2.7.4030 Districts.

- A. Low Density Residential District. The purpose of the Low Density Residential (RL) District is to implement the low-density ~~single-family residential~~ dwelling unit lot component of the west side transect as identified in the BCP. Open space, lot sizes, and setbacks in this District are intended to minimize impacts on wildlife and reduce the risk of wildfire.
- B. Standard Lot Overlay. The purpose of the Standard Lot Overlay (SLO) is to allow standard density ~~single-family homes~~ units and duplexes on smaller lots than otherwise permitted in the underlying RL zone in order to meet the unit and housing mix requirements in BCP Policy 11-104. This district allows attached and detached ~~single-family homes~~ units and duplexes and will accommodate at least 12 attached ~~single-family~~ units as required by BCP Policy.

2.7.4040 Review Procedures.

The following review procedures are applicable to uses and structures within the Treeline Master Planned Development:

- A. ~~Single-family~~ unit detached and attached dwellings, accessory dwelling units and duplexes are subject to BDC 4.2.400, Minimum Development Standards Review. ~~The following uses are exempt from BDC~~

~~4.2.400, Minimum Development Standards Review, with existing full utility and full street frontage infrastructure. A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria is required and will be verified through the building permit process.~~

~~1. Single family detached housing dwellings and duplexes.~~

~~2. Attached single-family townhomes with vehicular access from an alley.~~

2.7.4050 Residential Zoning Districts.

- A. Permitted Uses. The land uses listed in Table 2.7.4050 are permitted in the residential districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.4050, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as “similar” to those in Table 2.7.4050 may be permitted.

Table 2.7.4050 – Permitted and Conditional Uses

Land Use	RL	SLO
Single-Family Unit Detached housing Dwelling Units	P	P
*Accessory Dwelling Units (ADUs)	P	P
* <u>Duplexes</u>	<u>P</u>	<u>P</u>
* Attached Single-Family Townhomes	N	P
Family Childcare Home (16 or fewer children)	P	P
*Home Business (Class A/Class B)	P	P
*Accessory Uses and Structures	P	P

Table 2.7.4050 – Permitted and Conditional Uses

Land Use	RL	SLO
Parks	P	P
Recreational Facilities	P	P
*Short-Term Rental	P	P

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table:

Lot Areas and Dimensions by Housing Type and Zone/Overlay

Residential Use	Zone/ Overlay	Lot Area	Lot Width/Depth
Single-Family Unit Detached Housing <u>and Duplexes</u>	RL	Minimum area: 10,000 sq. ft.	Minimum lot width: 100 ft. Minimum lot depth: 100 ft.
	SLO	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line Minimum lot depth: 75 ft.
Single-Family Attached Housing (Townhomes)	SLO	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 40 ft. at front property line Minimum lot depth: 100 ft.

Article XXIII. Easton Master Planned Development

2.7.4140 Review Procedures.

The following review procedures are applicable to single-family dwellings, duplexes, triplexes, and quadplexes within the Easton Master Planned Development:

~~A. Single-family dwellings, duplexes, triplexes, and quadplexes are subject to BDC 4.2.400, Minimum Development Standards Review. BDC 3.6.200(H), Duplex and Triplex Development, BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply.~~

~~1. Exemptions.~~

~~a. The following uses are exempt from BDC 4.2.400, Minimum Development Standards Review, with existing full utility and full street frontage infrastructure:~~

~~i. Single-family detached housing.~~

~~ii. Attached single-family townhomes with vehicular access from an alley.~~

~~iii. Duplexes, triplexes, and quadplexes with vehicular access from an alley.~~

~~b. Single-family dwellings, duplexes, triplexes, and quadplexes that meet the standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review.~~

A. Single-family dwellings, accessory dwelling units, townhomes, duplexes, triplexes, and quadplexes are subject to BDC 4.2.400, Minimum Development Standards Review. BDC 3.6.200(H), Duplex and Triplex Development, BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply. A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria is required and will be verified through the building permit process.

B. All other uses are subject to BDC 4.2.500, Site Plan Review. BDC 2.1.900, Architectural Design Standards, BDC 2.2.600, Commercial Design Review, and BDC 4.2.600, Design Review, do not apply.

2.7.4150 Residential Zoning Districts.

A. Permitted Uses. The land uses listed in Table 2.7.4150 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.3950, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as “similar” to those in Table 2.7.3950 may be permitted.

Table 2.7.4150 – Permitted and Conditional Uses
(Other uses in Table 2.7.4150 remain unchanged)

Land Use	RS	RM	MHO
Residential			
**Cottage Developments (This is a Development Alternative and is already permitted, See BDC 3.8, Development Alternatives)	P	P	P

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type of residential structure being occupied. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Lot Areas and Dimensions in Easton by Housing Type and Zone

Residential Use	Zone	<u>Minimum Lot Area</u>	<u>Lot Width/Depth</u>
Single-Family Unit Detached Housing	RS	Minimum area: 2,700 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 75 ft.
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.
	MHO	Not applicable	Not applicable
Duplexes, Triplexes, and Fourplexes-Quadplexes	RS	Minimum areas— Duplex: 3,900 2,700 sq. ft. Triplex: 5,500 5,000 sq. ft. Quadplex: 7,100 7,000 sq. ft.	<u>Duplexes: Minimum width: 30 ft. at front property line</u> <u>Minimum lot depth: 50 ft.</u> <u>Triplexes and Quadplexes: Minimum width: 40 ft. at front property line</u> <u>Minimum lot depth: 50 ft.</u>
	RM	None	Minimum width: 30 ft. at the front property line

Lot Areas and Dimensions in Easton by Housing Type and Zone

Residential Use	Zone	<u>Minimum</u> Lot Area	Lot Width/Depth
	MHO	None	Minimum lot depth: 50 ft.
Single-Family Attached Housing (Townhomes)	RS RM	Minimum area: 1,600 sq. ft. for each unit <u>Average minimum lot or parcel size: 1,500 sq. ft. for each unit</u>	Minimum width: 20 ft. at front property line for interior townhome lots and 24 ft. at front property line for exterior townhome lots Minimum lot depth: 50 ft.
	MHO	Minimum area: 1,200 sq. ft. for each unit <u>Average minimum lot or parcel size: 1,500 sq. ft. for each unit</u>	
Multifamily Housing (5+ Units)	RS	Not applicable	Not applicable
	RM	None	Minimum width: 30 ft. at front property line
	MHO		Minimum lot depth: 50 ft.

Exceptions:

1. Except for townhomes, B bulb of a cul-de-sac or knuckle corner minimum width: 30 feet at the front property line.
2. Except for townhomes, C corner lots or lots where a side lot line abuts an alley must be at least four feet more in width than the minimum lot width required in the zone.

- E. Residential Density and Housing Mix. Based on the planned zoning, the Easton Master Plan must ensure capacity for a minimum of 720 to 1,079 housing units, including at least 244 units of townhomes, duplexes, triplexes, quadplexes and/or multifamily. Minimum and maximum densities for each zone do not apply.
- F. Maximum Lot Coverage. The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS)	50% for lots with 2+ story homes
Medium Density Residential (RM)	55% for lots with single-story homes 60% for lots with attached single-family townhomes, duplexes, triplexes, <u>quadplexes</u> and multifamily
Middle Housing Overlay (MHO)	None

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.200 Lot, Parcel and Block Design.

C. General Requirements for Lots and Parcels.

6. Corner lots or parcels ~~shall~~ must be at least five feet more in width than the minimum lot width required in the zone, except for townhomes.

- D. Street Connectivity and Formation of Blocks. To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments ~~shall~~ must produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

1. New development ~~shall must~~ construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets ~~shall must~~ be developed within a framework that is established in the ~~Bend Urban Area City of Bend~~ Transportation System Plan and any applicable ~~Special Area Plan, Refinement Plan, Master Neighborhood Development Plan, Special Planned District, Refinement Plan, Area Plan or Master Plan~~ or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below ~~shall~~ apply.
2. Block lengths and perimeters ~~shall must~~ not exceed the following standards as measured from centerline to centerline of through intersecting streets.

**

- c. Six hundred sixty feet block length and 2,640 feet block perimeter for all other Commercial, Industrial and ~~Mixed-Use Employment~~ Districts;
- d. An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors ~~shall must~~ be located to minimize out-of-direction travel by pedestrians and bicyclists and ~~shall must~~ meet all applicable accessibility standards.

3.1.300 Multi-Modal Access and Circulation.

- B. On-Site Pedestrian Facilities. For all developments except single-family ~~unit~~ detached, ~~townhomes~~, duplexes, triplexes and quadplexes ~~dwellings on their own lot or parcel~~, and shared courts, pedestrian access and connectivity must meet the following standards:

1. Pedestrian ways must:

- a. Connect all building entrances within the development to one another.
 - b. Connect all parking areas, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits.
 - c. Extend throughout the development site, and connect to all future phases of development, abutting trails, public parks and open space areas whenever possible as described in subsection (C) of this section, Off-Site Multi-Modal Facilities.
 - d. Connect or stub to abutting streets and private property, in intervals no greater than the block perimeter standards.
 - e. Provide pedestrian facilities within developments that are safe, accessible, reasonably direct and convenient connections between primary building entrances and all abutting streets, based on the following:
 - i. Convenient and Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
 - ii. Safe. Bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight-obscuring fences, dense vegetation or other unsafe conditions.
 - iii. Accessible. All pedestrian access routes must comply with all applicable accessibility requirements.
 - iv. Primary Entrance Connection. A pedestrian access route must be constructed to connect the primary entrance of each building to the abutting streets. For commercial, industrial, mixed-use, public, and institutional building entrances, the **primary entrance** is the main public entrance to the building. In the case where no public entrance exists, connections must be provided to each employee entrance. For multi-family unit and triplex dwellings, the primary entrance is the front door (i.e., oriented toward the street). For buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling and be accessible.
2. On-Site Pedestrian Facility Development Standards. On-site pedestrian facilities ~~shall~~ must meet the following standards:
- a. On-site pedestrian walkways ~~shall~~ must have a minimum width of five feet.

- b. Pedestrian walkways ~~shall~~ must be lighted in conformance with BDC 3.5.200, Outdoor Lighting Standards.
- c. Switchback paths ~~shall be~~ are required where necessary to meet the City's adopted accessibility requirements and City of Bend Standards and Specifications. Accessible alternate routes such as ramps and/or lifts ~~shall~~ must be provided when required.
- ~~d. The City may require landscaping adjacent to a pedestrian walkway for screening and the privacy of adjoining properties. The specific landscaping requirements shall balance the neighbors' privacy with the public safety need for surveillance of users of the public walkway. Tall, sight-obscuring fences or dense landscaping thick enough to conceal hazards are prohibited. (This is discretionary)~~
- ~~e. d.~~ Vehicle/Walkway Separation. Where walkways are parallel and abut a driveway or street (public or private), they ~~shall~~ must be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum landscaped strip. Special designs may be permitted if this five-foot separation cannot be achieved.
- ~~f. e.~~ Housing/Walkway Separation. Pedestrian walkways ~~shall~~ must be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the walkway edge to the closest dwelling unit. The separation area ~~shall~~ must be landscaped in conformance with the provisions of BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. No walkway/building separation is required for commercial, industrial, public, or institutional uses.
 - i. Exemption to the housing/walkway separation standard: When the walkway abuts residential living areas with no windows.
- ~~g. f.~~ Walkway Surface. Walkway surfaces ~~shall~~ must be concrete and conform to accessibility requirements. Asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and conforms to accessibility requirements, may be allowed as determined by the City. Multi-use paths and trails (i.e., for bicycles and pedestrians) ~~shall~~ must be the same materials. (See also BDC 3.4.200, Transportation Improvement Standards.)
- ~~h. g.~~ Additional standards for walkway design can be found in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

3.1.400 Vehicular Access Management.

F. Access Management Requirements. Access to the street system must meet the following standards:

4. Additional Access Points.

- b. ~~Single-family attached~~ Townhomes, duplexes, ~~and triplexes,~~ and quadplexes see BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

- 6. Access Operations Requirements. Backing from an access onto a public street ~~shall is not be~~ permitted except for single-family, duplex, ~~or triplex or quadplex~~ dwellings backing onto a local street or for any use when backing into an alley if adequate backing distance is provided. The design of driveways and on-site maneuvering and loading areas ~~shall must~~ include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

9. Ribbon Driveways. Ribbon driveways may be used to provide access to single-unit detached dwellings, accessory dwelling units, townhomes, duplexes, triplexes and quadplexes, provided that:

- a. The ribbons are located only on the driveway and are paved with asphalt, concrete or comparable surfacing across its entire width;
- b. The ribbons are at least two feet wide; and
- c. The ribbons are **not more than** three feet apart measured from their nearest edges. See Figure 3.1.400

Figure 3.1.400 Concrete Ribbon Driveway



Chapter 3.2

LANDSCAPING, STREET TREES, FENCES AND WALLS

3.2.300 New Landscaping

C. Landscape Area Standards. A minimum percentage landscape coverage is required. **Coverage** is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner. The minimum required landscaping shall equal 15 percent of the gross lot area for the following uses:

1. Residential – duplex and triplex units, micro-unit developments and multiple-family unit developments.

3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Except for BDC 3.8.400(A), Mid-Block Development, and 3.8.400(D), Shared Courts, street trees must be planted for developments subject to ~~BDC 3.6.200(H), Duplex and Triplex Development, 4.2.500, Site Plan Review,~~ and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments for residential land divisions and BDC 4.2.500, Site Plan Review. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines:

Chapter 3.3

VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

3.3.300 Vehicle Parking Standards for On-Site Requirements.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) is determined based on the standards in this section.

- A. Off-Street Parking Requirements. The number of required off-street vehicle parking spaces is determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). In applying the exceptions and reductions listed in subsections (B), (C), and (D) of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces is rounded down to the nearest whole number.

Table 3.3.300

Required Off-Street Vehicle Parking Spaces

(Other parking requirements remain unchanged in Table 3.3.00)

Use	Minimum Requirement
Residential	
Accessory dwelling unit	None
Residential care home	2 parking spaces per dwelling unit
All residential uses within the CB and MU Zoning Districts	1 space per dwelling unit
Bed and breakfast inns	1 space per bedroom, plus 1 space for the manager or proprietor
Short-term rentals	See BDC 3.6.500(H)
Duplex and triplex	1 bedroom units – 1 space per unit <u>None</u>
	2- or more bedroom units – 2 spaces per unit
<u>Quadplex</u>	<u>RL: 2 parking spaces per quadplex development</u> <u>RS, RM and RH: 1 parking space per quadplex development</u>
Manufactured home parks	2 parking spaces per dwelling unit
<u>Multifamily-unit residential</u>	Studio units or 1-bedroom units – 1 space/unit
	2-bedroom units – 1.5 spaces per unit
	3- or more bedroom units – 2 spaces per unit
	Retirement complexes for seniors 55 years or older – 1 space per unit
<u>Townhomes</u>	<u>1 parking space per dwelling unit</u>
Single-family unit, attached or detached, including a manufactured home on individual lot.	2 parking spaces per dwelling unit
<u>Development Alternatives</u>	<u>See BDC Chapter 3.8, Development Alternatives</u>

C. Parking Location and Shared Parking.

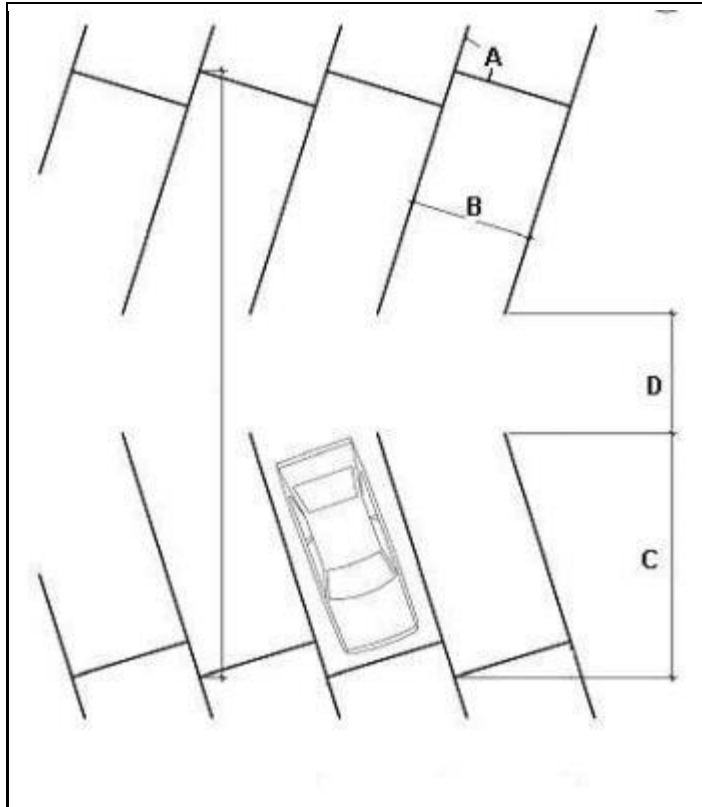
1. Location. Vehicle parking is allowed only on approved streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated within the individual land use districts for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). ~~Required.~~ Off-street parking and maneuvering areas shall must not be located within the front yard setbacks except for single-family unit dwellings, ADUs, duplexes, ~~and~~ triplexes and quadplexes.

- F. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls ~~shall must~~ be improved to conform to City standards for surfacing, storm water management and striping, and provide dimensions in accordance with Table 3.3.300.E.1 and Figure 3.3.300.

Figure 3.3.300

Parking Area Dimensions

	<p>A = Parking angle B = Stall width C = Stall depth D = Aisle width</p> <ul style="list-style-type: none">• For one row of parking stalls use "C" + "D" as minimum bay width.• Public alley width may be included as part of dimension "D," but all parking stalls must be on private property.• For estimating available parking area use 300 to 325 square feet per vehicle for stall aisle and access areas.• For narrow lots, equivalent size stalls and aisles may be approved by the City Engineer.
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- For large parking lots exceeding 20 stalls, alternate rows may be designated for compact cars; provided, that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall measures 8 feet in width and 17 feet in length.
- Required vehicle parking in a dwelling unit's garage or carport must be a minimum of 9 feet by 18 feet.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

B. Accessory Dwelling Unit (ADU). An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-family unit dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply to ADUs due to their small size and low occupancy. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with abutting land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

1. Permitted ADU. An ADU may only be permitted on a lot or parcel with a single-family unit detached dwelling, a single-family attached townhome, or a manufactured home.
2. Number of ADUs. A maximum of one ADU is allowed per lot or parcel.
3. ADU ~~Size~~ Floor Area.

~~a. An ADU on a property that is 6,000 square feet or less must not exceed 600 square feet of floor area.~~

~~b. An ADU on a property that is greater than 6,000 square feet must not exceed 800 square feet of floor area.~~

a. The maximum floor area is 800 square feet.

b. c. For purposes of measuring the ADU size in this subsection, floor area means the area measured in feet included inside the exterior surrounding walls of horizontal decked space intended to be a floored surface contained within the building or portion thereof, exclusive of vent shafts, and courts and basements. When calculating floor area stairs are counted once unless the area under the stairs is part of the ADU floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.

d. Exception to ADU Size.

i. Accessory structures attached to an ADU do not count towards the maximum floor area if they are not accessible from the interior of the ADU or if the accessory structure provides at least one allocated parking space for the ADU.

~~4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.~~

~~a. Exemptions to FAR.~~

~~i. Accessory structures less than 10 feet in height and 200 square feet in area.~~

~~ii. FAR does not apply to a property when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016.~~

~~iii. Property not designated residential in the Bond Comprehensive Plan.~~

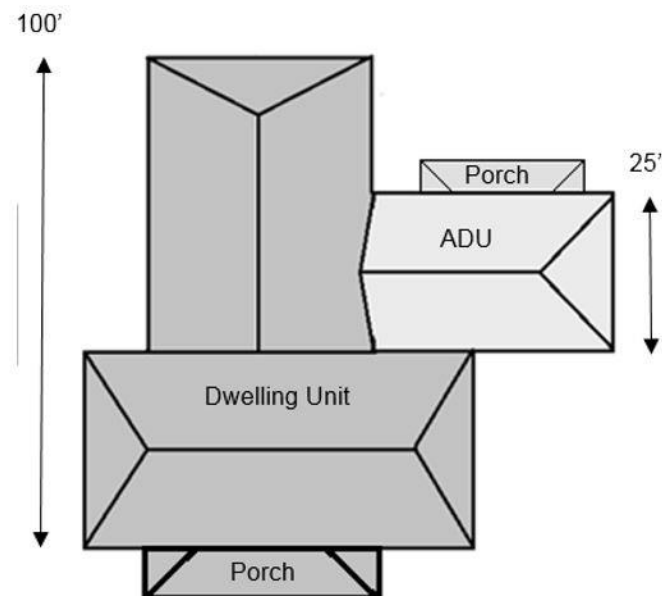
~~iv. Lots and parcels subject to BDC 3.8.300, Small Dwelling Unit Development.~~

~~5. Building Height. A detached ADU must not exceed 25 feet in height. In order to consider the ADU to be attached to the primary dwelling unit, it must be attached by one of the following options as~~

illustrated in Figure 3.6.200.B. The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.

- a. The ADU must share a common wall for at least 25 percent of the length of the primary dwelling unit; or
- b. The entire length of one elevation of the ADU must be attached to the primary dwelling unit.

Figure 3.6.200.B



Exemption to Building Height. The building height does not apply when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016.

- 6. 4. Parking. None.
- 7. **Design Standards.** A second story ADU over 600 square feet, abutting a RL or RS property with a residential development, must comply with the following:
 - a. Exterior doorways and outdoor living spaces (e.g., balconies or decks) on the second story and exterior staircases must not be located in a side or rear yard abutting a RL or RS property with a residential development unless they are set back a minimum of 10 feet from the side or rear

~~property line.~~ **(All ADUs will be allowed to be up to 800 square feet and the BDC doesn't require this for other residential uses up to 800 square feet)**

~~5.8.~~ Detached ADUs. A detached ADU must be a minimum of six feet apart from the primary single-family unit dwelling unit as measured between their building footprints, unless exempted below.

- a. Exemption. Does not apply when the primary single-family unit dwelling unit was legally constructed prior to April 1, 2016, and the ADU is proposed to be located in a detached structure legally constructed prior to April 1, 2016.

~~6.9. Process. ADUs are subject to BDC 4.2.400, Minimum Development Standards Review. (Not necessary to state this here)~~

C. Affordable Housing Strategies. The City of Bend provides an incentive program to developers to assist in the development of affordable housing.

4. Developments in compliance with subsection (C)(1) of this section may be eligible for the following incentives unless otherwise specified:

- a. Density Bonus. A developer may be eligible for a density bonus for single-unit detached dwellings, middle housing, cottage developments and manufacture homes when a percentage of the proposed dwelling units are affordable. The percentage of affordable units is based on the maximum number of dwelling units that would be allowed under the Comprehensive Plan designation for the subject site. The corresponding density bonus in Table 3.6.200.C is an increase in dwelling units over the maximum residential density that can be rented or sold as affordable units or at market rate.

The maximum density must be calculated in compliance with BDC 2.1.600(C)(1). For purposes of calculating maximum density, fractional units are rounded down to the next whole unit. For purposes of calculating the number of affordable units and density bonus units, fractional units are rounded up to the next whole unit.

For example, a 10,000 square foot lot designated ~~RH RM~~ is permitted ~~nine~~ four units (maximum density is rounded down). Of the ~~nine~~ four units, the developer proposes 20 percent of the units to be affordable (~~nine~~ four units * 20 percent = ~~1.8~~ 0.8 units, which is rounded up to ~~two~~ one units). Therefore, of the ~~nine~~ four units, ~~two~~ one must be affordable. Since the applicant is proposing 20

percent of the units as affordable, the developer may receive a corresponding density bonus of 20 percent (~~nine~~ four units * 20 percent = ~~1.8~~ 0.8 units, which is rounded up to ~~two~~ one additional units). Therefore, the proposed project may have ~~eleven~~ five units, ~~two~~ one of which must be affordable.

Table 3.6.200.C – Density Bonus

Percent of Affordable Units Based on Maximum Density	Density Bonus
5%	5%
10%	10%
20%	20%
30%	30%
40%	40%
50%	50 %

- b. Building Height Incentive. An increase in building height not to exceed 10 feet above the height of the underlying zone may be allowed for quadplexes and multifamily-unit housing when the additional units gained by the height increase are affordable housing units.
- c. Lot Coverage Exception. For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with subsection (C)(1) of this section, the entire development may develop with a 50 percent lot coverage.
- d. Lot Area and Dimensions Exception. For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with subsection (C)(1) of this section, the required lot area and dimensions for the proposed lots or parcels may be reduced up to 20 percent for the entire residential development. For affordable housing developments where

less than 50 percent of the dwelling units are deemed affordable in conformance with subsection (C)(1) of this section, the required lot area and dimensions for the proposed affordable housing dwelling units' lots or parcels may be reduced up to 20 percent.

- e. **Parking Requirement Reduction.** The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit.

- i. **Exception:**

- (A) Parking for special population developments and senior developments is 0.5 parking spaces per affordable dwelling unit.

For purposes of this subsection, senior developments are limited to those 55 + and are recognized by Housing and Urban Development (HUD) or the Low Income Housing Tax Credit (LIHTC) program at Oregon Housing and Community Services as affordable for a term of 30 years or more.

For purposes of this subsection, special population developments provide affordable housing and supportive services to those with intellectual or developmental disabilities or acute health needs. These developments must be publicly-supported affordable for a minimum of 30 years and serving those with intellectual or developmental disabilities in an integrated setting as a primary function.

- D. ~~Single-Family-Attached Townhomes.~~** ~~Single-family unit~~ attached housing (townhome units on individual lots) must comply with the standards in subsections (D)(1) through (4) of this section. ~~The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.~~

- 1. **Building Mass Supplemental Standard.** ~~Within the RS and RM-10 Districts, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) must not exceed four units. Within the RM and RH Districts, the~~ The number and width of consecutively attached townhome units are not restricted. For purpose of this section, a “single-family attached townhome” means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 3.6.200.D.1 the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit’s enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit,

including the wall of an attached garage. As shown on Figure 3.6.200.D.2, ~~attached single-family~~ townhomes may have detached garages or ADUs that share a common wall between the two lots or parcels.

Figure 3.6.200.D.1

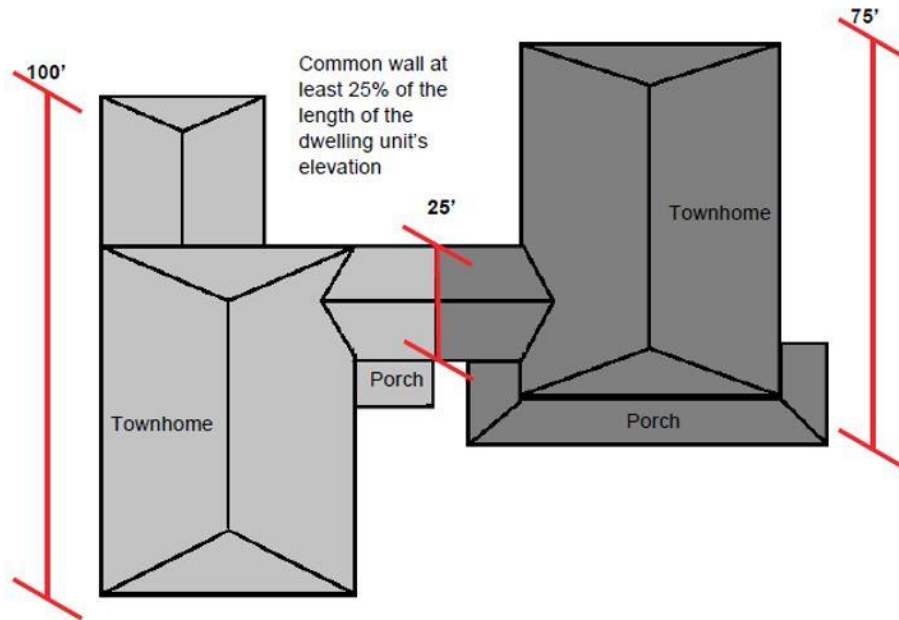
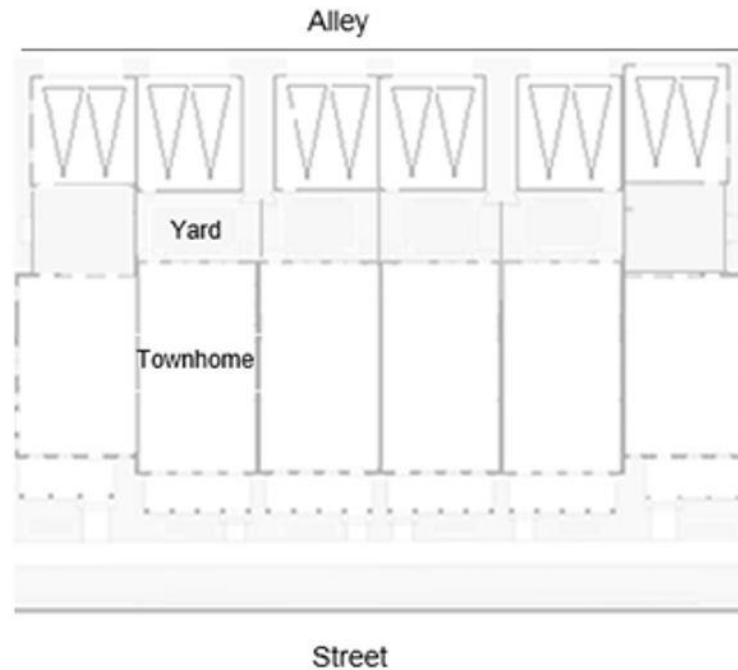


Figure 3.6.200.D.2



2. Alley Access Developments. Townhome developments and subdivisions (four or more lots) must receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection (D)(3) of this section for standards for street access developments). Alley(s) must be created at the time of subdivision approval, in accordance with BDC Chapters 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.4, Public Improvement Standards, and 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments. As necessary, dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) is required to implement the standards in BDC 3.1.300, Multi-Modal Access and Circulation.
3. Street Access Developments. Townhomes receiving access directly from a public or private street must comply with the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:
 - ~~a. Garage Door. The maximum combined garage door width facing the street is 50 percent of the total building width.~~
 - ~~b.~~ a. Driveway Approaches. Townhomes may have a maximum of one driveway approach and must comply with the following:

- i. Townhomes with frontages on streets of different classifications must access the street with the lowest classification.
- ii. The total width of shared driveway approaches must not exceed 32 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
- iii. Driveway approaches on local streets may be separated in compliance with the following:
 - (A) Approaches must be separated by a minimum of seven feet; and
 - (B) Approaches must not exceed 16 feet in width.
- iv. Clear vision standards do not apply between driveway approaches for townhomes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.
- ~~v. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3). (Repetitive of 3.6.200.D.2)~~

4. The minimum driveway width must be 10 feet.

4. 5. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.

H. Duplex, and Triplex and Quadplex Development. Duplex, and triplex and quadplex development must comply with the following standards. ~~The standards are intended to control development scale, and minimize impacts associated with compatibility.~~

- ~~1. There must be a minimum of 15 percent of the site landscaped in conformance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. Existing natural landscaping can count as part of the landscape requirement if protected and preserved during construction.~~
- ~~2. Street trees must be planted in conformance with BDC 3.2.400, Street Trees.~~

3. ~~The applicant must provide usable open space or an exterior patio, balcony or deck consistent with the following:~~

Dwelling Units	Usable Open Space	Exterior Patio, Balcony or Deck
1 and 2 bedroom units	200 square foot per unit	100 square foot per unit
3 bedroom units or larger	300 square foot per unit	150 square foot per unit

- a. ~~All usable open space areas that are comprised of lawn must be irrigated with an underground irrigation system.~~
- b. ~~An exterior patio, balcony or deck to meet the requirements of this subsection will not be counted as part of the landscape requirement.~~
4. ~~Each unit must provide a minimum of 60 square feet of enclosed storage area for outdoor equipment, lawn chairs, barbecues, bicycles, etc. The storage area must be accessible from the exterior of the dwelling unit, have a minimum interior height of seven feet, and be no less than two feet in length in any direction. The storage area may be split into two areas as long as no area is less than 20 square feet and no dimension is less than two feet, except the height which is a minimum of seven feet. The storage area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). Storage must not be located within the setbacks.~~
5. ~~Each unit must provide an enclosure area for trash and recycling. This area is in addition to subsection (H)(4) of this section.~~
6. 1. ~~Detached dwelling units must be a minimum of six feet apart as measured between their building footprints.~~
7. ~~Floor Area Ratio. In the RS District, the FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.~~
- a. ~~Exemptions to FAR.~~
- i. ~~Accessory structures less than 10 feet in height and 200 square feet in area.~~

~~ii. Duplexes or triplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.~~

~~iii. Lots created after January 18, 2010, that are not adjacent to existing RS-designated properties.~~

~~8.~~ 2. Driveway Approach. Duplexes may have a maximum of two driveway approaches, ~~and a triplexes~~ may have a maximum of three driveway approaches and quadplexes may have four driveways approaches in compliance with the following:

a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(~~8~~2)(c) of this section.

b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.

c. In addition, lots or parcels with more than one frontage must comply with the following:

i. Lots or parcels must access the street with the lowest classification.

ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. When lots or parcels only have frontages on collector streets or only on arterial streets, the City Engineer will determine which frontage may have one driveway approach based on the following:

(A) Distance from the nearest intersection;

(B) Clear vision areas;

(C) Topography;

(D) Utility conflicts; and

(E) Pedestrian and bike conflicts in the vicinity.

iii. Lots or parcels with frontages only on local streets must comply with the following:

(A) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16-foot-wide driveway approach per frontage.

(B) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

(C) Quadplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

- d. Clear vision standards do not apply between driveway approaches for duplexes, ~~and triplexes~~ and quadplexes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.
- e. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

3. The minimum driveway width must be 10 feet.

9. ~~Garage Door Standards.~~

a. ~~The maximum combined garage door width facing the street is 50 percent of the total building width.~~

b. ~~In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses ground floor livable space, except that:~~

i. ~~If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed ground floor livable space, but no further than the front of the porch.~~

ii. ~~A garage or carport may extend up to 10 feet in front of the enclosed ground floor livable space if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.~~

c. ~~Exemptions to Garage Door Standards.~~

i. ~~Existing garages legally constructed prior to January 18, 2019.~~

ii. ~~When the side or rear wall of the garage faces the street, provided the standards of BDC 2.1.300(F)(6)(b)(ii) are met.~~

- ~~iii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties.~~

~~10. Orientation Standards.~~

- ~~a. At least one front door entrance to a dwelling unit must orientate to an abutting street or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:~~

- ~~i. Meet a minimum area of 20 square feet;~~
- ~~ii. Meet a minimum depth of four feet; and~~
- ~~iii. Have an entry that faces a street.~~

~~For properties with more than one frontage, the applicant may choose which frontage to meet this standard.~~

~~b. Exemptions to Orientation Standards.~~

- ~~i. Duplexes or triplexes created by remodeling an existing single family detached dwelling without expanding the existing floor area.~~
- ~~ii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties.~~

M. Accessory Uses and Structures. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, greenhouses and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see subsection (B) of this section. Accessory structures must comply with all of the following standards in addition to the standards of the applicable zoning district:

1. Primary Use Required. An accessory structure or use may only be permitted on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the zoning district.
2. Restrictions.

- a. A half bathroom and/or a wet bar may not be installed within an accessory structure unless the property owner signs a City of Bend compliance form stating that the structure will not be used as a dwelling unit.
 - b. A kitchen is not allowed.
 - c. A full bathroom is not allowed.
3. Floor Area. The maximum floor area of an accessory structure in a Residential Zoning District must not exceed 1,500 square feet.
- ~~4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 for all buildings on site, cumulatively.~~
- ~~a. Exemptions to FAR.~~
- ~~i. Accessory structures less than 10 feet in height and 200 square feet in area.~~
 - ~~ii. Lots and parcels subject to BCD 3.8.300, Small Dwelling Unit Development.~~
5. 4. Building Height. The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:
- a. The accessory structure must share a common wall for at least 25 percent of the length of the primary dwelling unit; or
 - b. The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.

O. Temporary Housing.

4. Parking. ~~The parking space requirements for temporary housing uses are one space per 500 square foot of gross floor area, unless parking exemptions and reductions apply. Minimum: None.~~

3.6.500 Short-Term Rentals.

The purpose of this section is to protect the character of the City's residential neighborhoods by limiting and regulating short-term rental of dwelling units.

The following provisions apply to all short-term rentals (STRs) after April 15, 2015.

A. Applicability.

1. No person ~~shall~~ can occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental occupancy unless issued a short-term rental (STR) permit or exempted under this chapter.
2. A permit is required for each dwelling unit that is allowed to be a short-term rental even if located on the same legal lot. Applications submitted after (insert date of adoption) located in the RL, RS, RM, RH, and MR outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C) that include an ADU, duplex, triplex or quadplex can only have one unit permitted as a short-term rental.

The standards of this section ~~shall~~ supersede the standards elsewhere in the Development Code, unless otherwise stated.

Chapter 3.8

DEVELOPMENT ALTERNATIVES

Sections:

3.8.100 Purpose and Applicability.

3.8.200 Micro-Unit Development.

3.8.300 Small Dwelling Unit Development.

3.8.400 Infill Development.

3.8.500 Cottage Housing Development.

3.8.600 Courtyard ~~Housing~~ Dwelling Units.

3.8.700 Zero Lot Line Developments.

3.8.800 Urban Dwelling Sites.

3.8.900 Cottage Cluster Developments.

3.8.1000 Shared Courts.

3.8.100 Purpose and Applicability.

~~This chapter provides a variety of development alternatives to promote a diversity of dwelling unit types. This chapter supplements the standards provisions contained in this code. Where no provisions exist in this Chapter, the standards of the underlying zoning district apply or other portions of the Development Code. It provides a variety of development alternatives to promote a diversity of dwelling unit types. Where there is a conflict between the provisions of this chapter and those of the underlying zone or other portions of the Development Code, the provisions of this chapter will control. (Make clear that if this chapter is silent on a provision, then the underlying district or other standards in the code controls.)~~

3.8.300 Small Dwelling Unit Development.

C. Maximum Density.

1. The maximum density must not exceed that of the relevant zoning district. For purposes of Small Dwelling Unit Developments, the maximum density is rounded up to the nearest quarter and duplexes are not exempt.

2. Maximum Density Calculation. RS, RM-10 and RM density calculation is based on the following floor area rounded up to the nearest quarter:

- a. Dwelling units 600 square feet or smaller: 0.25 of a dwelling unit.
- b. Dwelling units 601 to 800 square feet: 0.50 of a dwelling unit.
- c. Exception to Density Maximums.
 - i. When affordable housing is proposed the provisions of BDC 2.1.600(D) may be applied.
 - ii. The maximum density standards do not apply to ADUs.

H. Lot Coverage and Floor Area.

- 1. There are no maximum lot coverage or floor area ratio requirements.
- 2. The maximum floor area for any dwelling unit is 800 square feet, ~~except accessory dwelling units (ADUs) must not exceed 600 square feet.~~ When two dwelling units are developed on site (i.e., a duplex or a single-family unit detached dwelling unit with an ADU) the maximum total floor area permitted for all dwelling units is 1,200 square feet, cumulatively.

For example, a site may include an 800-square-foot single-family unit detached dwelling unit and a 400-square-foot ADU for a total of 1,200 square feet. In no case can the total square footage of all dwelling units on site exceed 1,200 square feet, cumulatively.

- 3. The maximum floor area for all ~~garages~~ accessory structures on site, including attached and detached garages, is 440 square feet, cumulatively.

K. Driveway Approaches.

- 1. Driveway approaches on local streets may be separated in compliance with the following:
 - a. Approaches must be separated by a minimum of seven feet.
 - b. Approaches must not exceed 16 feet in width.

- c. Clear vision standards do not apply between driveway approaches on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.

3.8.400 Infill Development.

C. T-Courts.

3. Development Standards. T-courts must comply with the following standards:

- ~~g. Residential lots and parcels created by T-court development are subject to floor area ratio (FAR) in conformance with BDC 2.1.400.~~

~~D. Shared Courts. Shared courts must comply with the following standards: (*Relocated to 3.8.1000 since it is no longer just for infill developments and the size of the development site is not restricted to 1.1 acres. The uses will be limited to townhomes.*)~~

- ~~1. Applicability. Shared courts are permitted in RM and RH Zoning Districts and in the Mixed-Use Zoning Districts where standalone residential uses are permitted in Table 2.3.200, Permitted and Conditional Uses.~~

- ~~2. Permitted and Conditional Uses.~~

- ~~a. RM and RH Zoning Districts. Residential uses listed in Table 2.1.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.~~

- ~~b. Mixed-Use Zoning Districts. Standalone residential uses permitted in Table 2.3.200, Permitted and Conditional Uses, in compliance with the corresponding zoning district.~~

- ~~3. Development Site.~~

- ~~a. Must not exceed 1.1 acres.~~
- ~~b. Must comply with the minimum frontage requirements of the underlying zone.~~

~~4. Shared Court Lots and Parcels.~~

- ~~a. No minimum lot size.~~
- ~~b. The private access drive provides frontage for the interior lots or parcels. Property lines abutting the private access drive are considered front property lines.~~
- ~~c. The setbacks of the underlying zoning district apply except the following front setbacks apply to property lines abutting the private access drive:~~
 - ~~i. The minimum front setback is five feet for enclosed livable spaces.~~
 - ~~ii. Garage entrances accessing the private access drive must be setback at either five feet from the property line, or a minimum of 20 feet from the property line. If the garage entrance is setback five feet from the property line, it may not be located closer to the front property line than the ground floor enclosed livable space of the dwelling unit. See Figure 4.3.700.D.~~

~~5. Private Access Drive.~~

- ~~a. Vehicular access must be from the private access drive. For purposes of this subsection, a private access drive provides vehicular access to dwelling units and off-street parking areas within the shared court and is not a street or road. The access must not extend to abutting properties.~~
- ~~b. Minimum access width and pavement width must be 24 feet, unless the Oregon Fire Code requires wider widths (i.e., aerial access and fire hydrant placement) and must be recorded as a tract and include a public access easement.~~
- ~~c. For private access drives that dead end, the maximum length permitted is 150 feet from the nearest curb or edge of pavement to the end of the shared court.~~
- ~~d. Except for corner development sites, private access drives must not allow through movement of vehicles to different streets unless allowed by the City Engineer, which may impose additional conditions of approval or design requirements.~~

- e. ~~A pedestrian pathway must be provided at the end of the private access drive when it would connect to abutting streets or where appropriate to other developments. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.~~

~~6. Public Utility Easement.~~

- a. ~~A minimum three-foot wide public utility easement must be provided on each side of the private access drive when public utilities are proposed to serve the lots. The City Engineer and/or the public franchise utilities may require wider utility easements.~~

~~7. City of Bend Water and Sewer Utilities. Conformance is achieved when one of the following options is met:~~

- a. ~~Utilities are located in the private access drive and include a public sewer main and private water laterals; or~~
- b. ~~Utilities are located in the private access drive and all utilities are public.~~
- c. ~~All public mains must be within a public utility easement in conformance with the City of Bend Standards and Specifications.~~

~~8. Off-Street Parking.~~

- a. ~~Dwelling Units: See Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Required parking spaces may be provided in tandem.~~
- b. ~~Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~
- c. ~~No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.~~
- d. ~~Common off-street parking, including guest parking, may abut the private access drive when located outside of the minimum required dimensions of the private access drive. The off-street parking must be located in a common tract and the homeowners' association must be responsible for enforcing this requirement.~~
- e. ~~Parking is prohibited between the street and the dwelling units.~~

~~9. Design Standards.~~

~~a. Front Door.~~

~~i. Dwelling units that abut a street must have the front door entrance oriented toward the street frontage. A three-foot or wider path that is physically separated from the private access drive must be provided from the sidewalk to the front door.~~

~~ii. Dwelling units that are on the interior of the shared court development must have the front door entrance oriented toward the private access drive or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:~~

~~(A) Meet a minimum area of 20 square feet;~~

~~(B) Meet a minimum depth of four feet; and~~

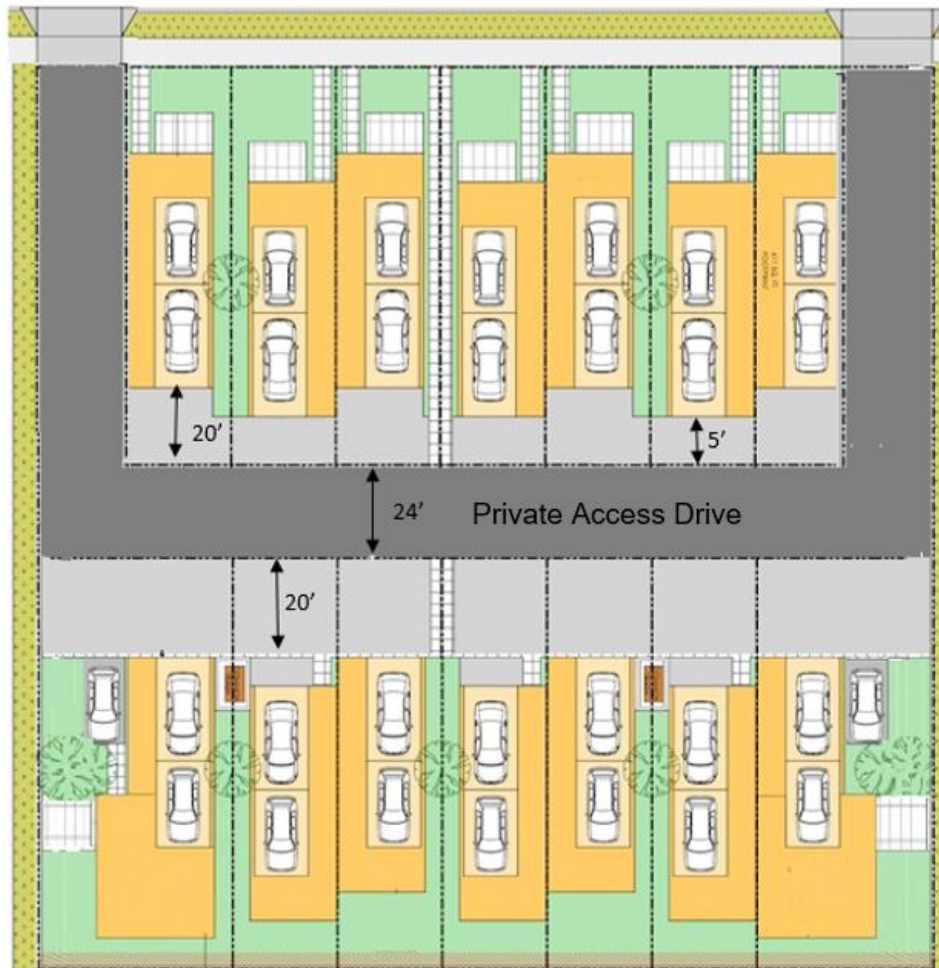
~~(C) Have an entry that faces the private access drive.~~

~~10. BDC 3.6.200(D) does not apply to shared court developments.~~

~~11. Trash Receptacles. Each dwelling unit must provide an enclosure area for trash and recycling or a common receptacle area must be provided. The trash receptacle area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). A common receptacle must not be located within setbacks from property lines shared with existing residential developments and must be screened on at least three sides with a solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.~~

~~12. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a shared court development, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the private access drive and common off-street parking areas in the development.~~

Figure 3.8.400.D (Conceptual)
Street



3.8.500 Cottage Housing Development.

- G. Setbacks and Building Separation. Because CHDs are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the CHD development area is considered to be the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the CHD, the separation between other on-site buildings is measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).

1. Perimeter Setbacks.

- a. The minimum front setback is 10 feet.
 - b. The minimum setback from all other exterior boundary property lines is five feet.
2. Interior Building Separation.
- a. There must be a minimum separation of six feet between the ~~eaves~~ building footprints of the cottages. On cottage sides with a main entrance, the minimum separation is 10 feet. Structures other than cottages must meet minimum building code setback requirements.

- K. Parking. Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:

- 4. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.

Exception. Parking is allowed on a driveway between the garage or carport of a cottage and the street.

- 5. Off-street parking requirements are calculated based on the number of bedrooms per cottage unit:
 - a. One bedroom: minimum one space.
 - b. Two bedrooms: minimum 1.5 spaces.
 - c. Three or more bedrooms: minimum two spaces.

3.8.600 Courtyard ~~Housing~~ Dwelling Units.

- A. Applicability. Courtyard ~~housing~~ dwelling unit developments are allowed in the following districts: Low Density Residential (RL), Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10). ~~Courtyard housing is a conditional use permit in the Low Density Residential (RL) District unless permitted through a master plan in BDC Chapter 4.5, Master Planning and Development Alternatives.~~

B. Permitted Uses.

- 1. Single-family ~~unit~~ detached dwellings units.

2. Duplexes.
3. Accessory dwelling units and structures.

C. The following standards are intended to promote compatibility and privacy between abutting buildings and allow for building maintenance:

1. ~~Detached~~ Courtyard houses-dwelling units on individual lots and parcels are subject to the standards of the underlying zoning district, except that in the RS, RM-10 and RM Districts the a three-foot minimum side setback is required on one side of a typical lot as shown in Figure 3.8.600 and a six-foot minimum side setback is required on one side in the RL District.
2. Setbacks Abutting a Non-Courtyard Development. When a courtyard ~~house~~ dwelling unit shares a side property line with a non-courtyard ~~house~~ dwelling unit (including vacant lots), the courtyard building must be setback from the common property line by a minimum of seven feet in the RS, RM-10 and RM Districts and fourteen-feet in the RL District.
3. Construction and Maintenance Easement. Prior to building permit approval, the applicant must submit a copy of a recorded easement for every courtyard ~~house~~ dwelling unit that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement must stipulate that no fence or other obstruction must be placed in a manner that would prevent maintenance of structures on the subject lot.
4. Buffering. The building placement, landscaping, and/or design of windows must provide a buffer for the occupants of abutting courtyard lots. For example, this standard is met by placing ground-floor windows (along the courtyard setback) where views are directed into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted glass or other window covering that obscures any view to the interior but allows light into the interior. This standard does not apply to abutting non-courtyard lots.

3.8.800 Urban Dwelling Sites.

L. Short-term rentals. The use of an urban dwelling site as a short term rental is prohibited.

3.8.900 Cottage Cluster Developments.

- A. Applicability.** Cottage cluster developments are allowed in the following districts: Low Density Residential (RL) District, Standard Density Residential (RS), Medium Density Residential (RM) and Medium -10 Residential (RM-10).
- B. Approval Process.** Cottage cluster developments are subject to BDC 4.2.400, Minimum Development Standards Review. The procedures and criteria of BDC Chapter 4.3 apply to cottage cluster development subdivisions.
- C. Density.**
1. Minimum Density. 4 cottages per acre.
 2. Maximum Density. No maximum.
- D. Cluster Numerical Standard.** Cottage cluster developments must contain a minimum of three cottages.
- E. Lot Sizes.**
1. Development site for cottage clusters on a single lot.
 - a. The minimum lot sizes applies to the development site:
 - i. RL: 10,000 square feet.
 - ii. RS, RM-10 and RM Districts: 4,000 square feet.
 2. There is no minimum lot size for a cottage located on its own lot or parcel.
- F. Lot Width and Depth** The development site must comply with the minimum lot width at the front property line on a public or private street and lot width as required by the underlying zone for a single-unit detached dwelling. Individual cottage lots or parcels created as part of a cottage cluster land division are exempt from lot width and depth requirements and are not required to have frontage on a public or private street.
- G. Lot coverage and Floor Area Ratio.** There is no maximum lot coverage or floor area ratio for cottage cluster developments.
- H. Setbacks and Building Separation.** *(Used BDC requirements)*
1. Setbacks. Because cottage clusters are a unique type of development, setbacks are measured differently than for a traditional development. The exterior boundary of the cottage cluster development site is considered to be the edge of the development site for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the cottage cluster development, the separation between other on-site buildings is measured, not the distances to interior property lines, unless setbacks from property lines are necessary to meet the building code (interior setbacks).
 - a. Perimeter Setbacks.

- i. The setbacks must meet the minimum setbacks that apply to detached single unit dwellings in the corresponding zone.

(A). Exception: The front and rear setbacks in the RL District is 10 feet except the front setback is 20 feet for garages and carports when they access the street.

b. Interior Building Separation.

- i. There must be a minimum separation of six feet between the building footprints of the cottages. On cottage sides with a main entrance, the minimum separation is six feet. Structures other than cottages must meet minimum building code setback requirements.

I. Cottage Unit Building Footprint.

- 1. The maximum cottage building footprint must be less than 900 square feet. It does not include detached garages or carports; accessory structures; or unenclosed covered or uncovered porches, patios, decks, balconies or stoops 18 inches or less.
- 2. Individual attached garages up to 200 square feet are exempt from the calculation of maximum building footprint for cottages. (OAR requirement)

J. Off-Street Parking.

- 1. Required Off-Street Parking.
 - a. One off-street parking space per dwelling unit. (OAR minimum compliance)
 - b. Off-street parking spaces may be provided for individual cottages or in shared parking clusters.
- 2. Cottage Cluster Developments cannot receive credit for on-street parking per BDC 3.3.300(B). Credit for On-Street Parking.

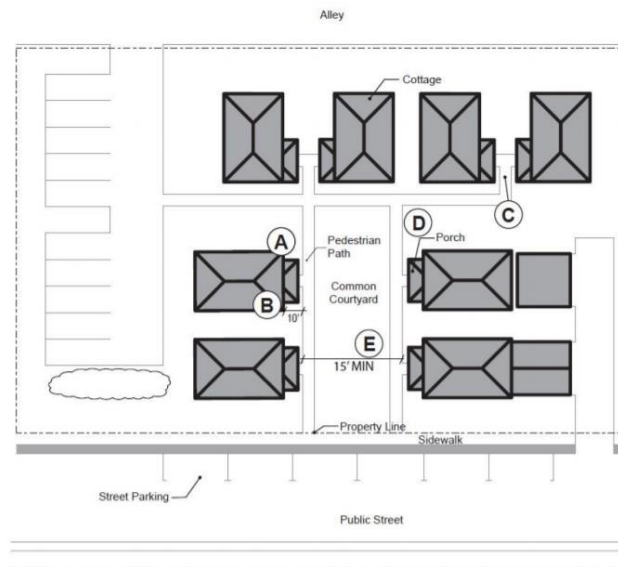
K. Design Standards. Cottage clusters must meet the following design standards. No other design standards apply to cottage clusters unless noted in this section.

- 1. **Cottage Orientation.** Cottages must be clustered around a common courtyard and meet the following standards (see Figure 3.8.900.K.2):
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

- b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a front door entrance facing the common courtyard or have a front door entrance open to a covered porch that has an entry facing the common courtyard. A covered walkway or breezeway is not a porch.
 - ii. Be within 10 feet from the common courtyard, measured from an exterior wall of the cottage or covered porch to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their front door entrances facing the street or open to a covered porch that has an entry facing the street. A covered walkway or breezeway is not a porch.
 - d. Cottages not facing the common courtyard or the street must have their front door entrances facing a pedestrian path that is directly connected to the common courtyard or have their front door entrance open to a covered porch that has an entry facing a pedestrian path that is directly connected to the common courtyard.
2. **Common Courtyard Design Standards.** Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see 3.8.900.K.2):
- a. A cottage cluster development must contain a minimum of three & a maximum of 12 cottages per common courtyard.
 - b. The common courtyard must be a single, contiguous piece and separated from another common courtyard by a minimum of 10 feet.
 - c. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - d. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
 - e. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - f. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.
 - g. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard count toward the courtyard's minimum dimension and area.
 - h. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 3.8.900.K.2

Cottage Cluster Orientation and Common Courtyard Standards



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

3. **Community Buildings.** Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, daycare, or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building.

- b. A community building that meets the BDC definition of a dwelling unit must have a building footprint less than 900 square feet, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard:
 - ii. Shared parking areas:
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four feet wide.

5. Parking Design.

- a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster developments with fewer than 16 cottages are permitted parking clusters of not more than 6 contiguous spaces.
 - ii. Cottage cluster developments with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - iii. Parking clusters must be separated from other spaces by at least four feet of landscaping.
 - iv. Clustered parking areas may be covered.
- b. Parking location and access. (Used BDC requirements)
 - i. Parking must not be located in the perimeter setbacks and must be screened from public streets and adjacent residential uses by a landscape buffer containing landscaping and/or architectural screening. The width of the landscape buffer is the same width as the perimeter setbacks. See subsection (c) of this section.

(A). Exception. Parking is allowed on a driveway between the garage or carport of a cottage and the street.
 - ii. Aisle widths must comply with 3.3.300(F), except a 20-foot access aisle is permitted for 90 degree parking.
- c. Screening. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from public and private streets.
- d. Garages and carports.

- i. Detached garages must not exceed 450 square feet in floor area per cottage. **(Same size as BDC)**
 - ii. A detached group of attached garages must not exceed 1,600 square feet and must be separated from other groups of attached garages by at least four feet measured between their building footprints.
 - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
6. **Accessory Structures.** Accessory structures must not exceed 400 square feet in floor area.
- a. Exception. For garages, see subsection 3.8.900(K)(5)(d). **(Added this for clarity since garages can be considered an accessory structure.)**
7. **Existing Structures.** On a lot or parcel to be used for a cottage cluster development, an existing detached single unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster development area under the following conditions:
- a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. The existing dwelling may be expanded up to the maximum height of the corresponding zoning district.
 - c. Existing dwellings that exceed the maximum building footprint may not be expanded.
 - d. The existing dwelling is excluded from the calculation of orientation toward the common courtyard.
- L. **Accessory Dwelling Units.** Accessory dwelling units are not permitted in cottage cluster developments. **(Added to make clear ADUs are not allowed)**
- M. **Public Utilities.** All lots must be served by individual services from a private or public distribution main. Any deviations from City standards must be approved by the City Engineer. Private services, franchises, sewer and water, must not cross property lines unless there is no means of providing private service laterals from a distribution main, as approved by the City Engineer. Where private services are permitted to cross property lines, the services must be placed in an easement. **(From the BDC)**
- N. **Covenants, Conditions and Restrictions.** Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development, a set of conditions, covenants and restrictions (CC&Rs) for the cottage cluster development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas in the cottage housing development. **(From the BDC)**

3.8.1000 Shared Courts.

A. Applicability. Shared courts are permitted in RM and RH Zoning Districts and in the Mixed-Use Zoning Districts where standalone residential uses are permitted in Table 2.3.200, Permitted and Conditional Uses.

B. Permitted Uses.

1. Townhomes.

2. ADUs

C. Development Site. Must comply with the minimum frontage requirements of the underlying zone.

D. Shared Court Lots and Parcels.

1. No minimum lot size.

2. The private access drive provides frontage for the interior lots or parcels. Property lines abutting the private access drive are considered front property lines.

3. The setbacks of the underlying zoning district apply except the following front setbacks apply to property lines abutting the private access drive:

a. The minimum front setback is five feet for enclosed livable spaces.

b. Garage entrances accessing the private access drive must be setback at either five feet from the property line, or a minimum of 20 feet from the property line. If the garage entrance is setback five feet from the property line, it may not be located closer to the front property line than the ground floor enclosed livable space of the dwelling unit. See Figure 3.8.1000.

E. Private Access Drive.

1. Vehicular access must be from the private access drive. For purposes of this subsection, a private access drive provides vehicular access to dwelling units and off-street parking areas within the shared court and is not a street or road. The access must not extend to abutting properties.

2. Minimum access width and pavement width must be 24 feet, unless the Oregon Fire Code requires wider widths (i.e., aerial access and fire hydrant placement) and must be recorded as a tract and include a public access easement.

3. Except for corner development sites, private access drives must not allow through movement of vehicles to different streets unless allowed by the City Engineer, which may impose additional conditions of approval or design requirements.
4. A pedestrian pathway must be provided at the end of the private access drive when it would connect to abutting streets or where appropriate to other developments. If the pedestrian pathway connects to abutting streets, a public access easement must be recorded on the property.

F. Public Utility Easement.

1. A minimum three-foot-wide public utility easement must be provided on each side of the private access drive when public utilities are proposed to serve the lots. The City Engineer and/or the public franchise utilities may require wider utility easements.

G. City of Bend Water and Sewer Utilities. Conformance is achieved when one of the following options is met:

1. Utilities are located in the private access drive and include a public sewer main and private water laterals; or
2. Utilities are located in the private access drive and all utilities are public.
3. All public mains must be within a public utility easement in conformance with the City of Bend Standards and Specifications.

H. Off-Street Parking.

1. Dwelling Units: See Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Required parking spaces may be provided in tandem.
2. Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.
3. No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.
4. Common off-street parking, including guest parking, may abut the private access drive when located outside of the minimum required dimensions of the private access drive. The off-street parking must be

located in a common tract and the homeowners' association must be responsible for enforcing this requirement.

5. Parking is prohibited between the street and the dwelling units.

I. Design Standards.

1. Front Door.

a. Dwelling units that abut a street must have the front door entrance oriented toward the street frontage. A three-foot or wider path that is physically separated from the private access drive must be provided from the sidewalk to the front door. The entrance must either:

i. Face the street;

ii. Be at an angle of up to 45 degrees from the street;

iii. Face a common open space that abuts the street and is abutted by dwellings on at least two sides; or

iv. Open onto a porch. The porch must be at least 20 square feet in area & have at least one entrance facing the street or have a roof. A covered walkway or breezeway is not a porch.

b. Exception to the front door standards in subsection (a).

i. When the lot or parcel abuts an arterial.

ii. When the development site's frontage is 75 feet or less.

c. Dwelling units that are on the interior of the shared court development must have the front door entrance oriented toward the private access drive or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:

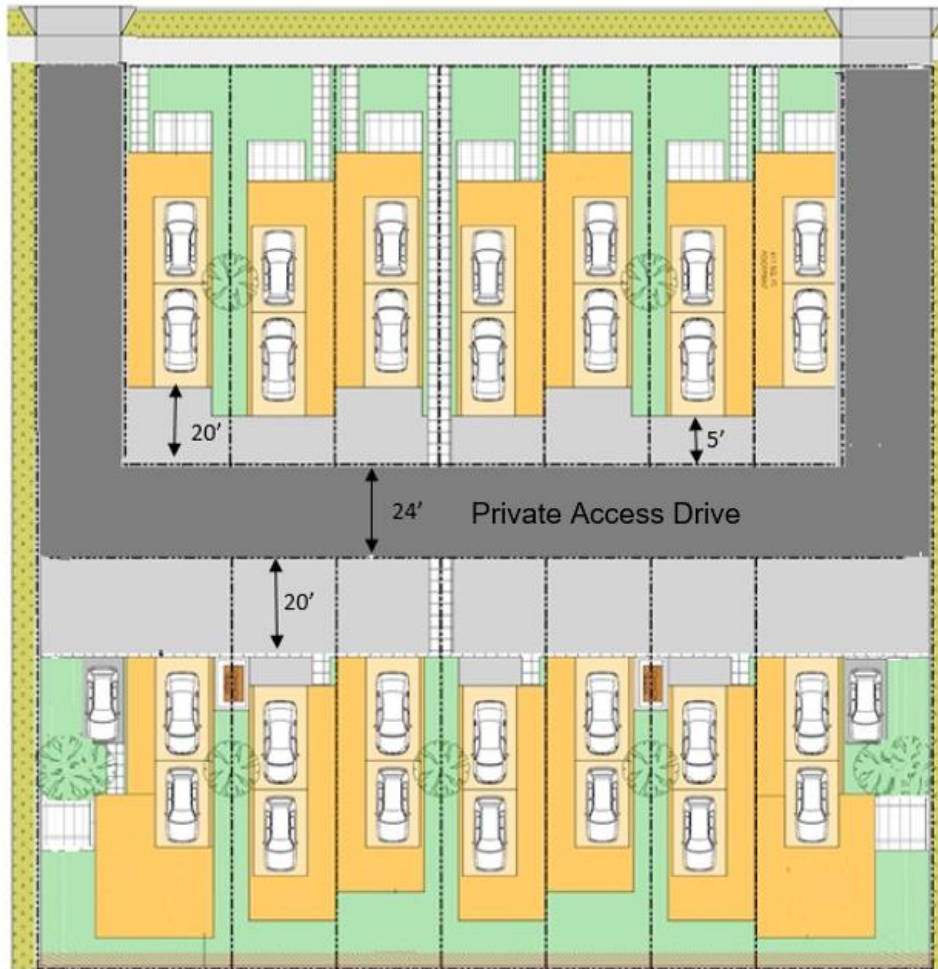
i. Meet a minimum area of 20 square feet;

ii. Meet a minimum depth of four feet; and

iii. Have an entry that faces the private access drive.

- J. BDC 2.1.950 Design Standards and BDC 3.6.200(D), Townhomes do not apply to shared court developments.
- K. Trash Receptacles. Each dwelling unit must provide an enclosure area for trash and recycling or a common receptacle area must be provided. The trash receptacle area may be located in a garage; provided, that it does not interfere with required vehicle parking. A common receptacle must not be located within setbacks from property lines shared with existing residential developments and must be screened on at least three sides with a solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.
- L. Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a shared court development, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the private access drive and common off-street parking areas in the development.
- M. Lots or parcels that front an arterial may have a fence in the front setback not exceeding six feet in height. Fencing must comply with the clear vision area standards of BDC 3.1.500.

Figure 3.8.1000 (Conceptual)
Street



Chapter 4.1
DEVELOPMENT REVIEW AND PROCEDURES

4.1.215 Public Meeting.

C. Applications must be submitted to the City within 180 days of the public meeting. If an application is not submitted in this timeframe, the applicant will be required to hold a new public meeting. (New requirement)

4.1.420 Mailed Notice of Type II Applications. (Mail to situs address in addition to property owner address. Recommendation by PC on January 11, 2021)

A. Notice of Type II applications must be mailed at least 14 days prior to the issuance of a decision to persons entitled to notice under BDC 4.1.423. Such notice must include all the information specified under BDC 4.1.424 except for the information specified in BDC 4.1.424(A)(7) and (10). Written notice must be sent by mail to the following persons:

1. The applicant.
2. Owners of record of property as shown on the most recent property tax assessment roll of property located, and to the addresses based on the City's current addressing records:
 - a. Within 250 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary will increase by 250 feet for every 25-foot increment of structure height above 50 feet.
 - b. The applicant must bear the cost (i.e., mailing, etc.) of any notice.

4.1.423 Mailed Notice of Type III Applications. (Mail to situs address in addition to property owner address. Recommendation by PC on January 11, 2021)

A. Except as otherwise provided for herein, notice of a Type III application must be mailed at least 20 days prior to the evidentiary hearing for those matters set for one evidentiary hearing, or 10 days prior to the first evidentiary hearing where two or more evidentiary hearings are held. Written notice must be sent by mail to the following persons:

1. The applicant.

2. Owners of record of property as shown on the most recent property tax assessment roll of property located, and to the addresses based on the City's current addressing records:
 - a. Within 500 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary must increase by 250 feet for every 25-foot increment of structure height above 50 feet.
 - b. The applicant must bear the cost (i.e., mailing, etc.) of any notice.

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.100 Purpose.

The purpose of Minimum Development Standards Review (MDS) is to:

- Streamline development review for minor additions or expansions and/or changes of use, and applicable single ~~family unit~~ detached dwellings, ~~single-family attached~~ townhomes, accessory dwelling units ~~and duplexes, triplexes, quadplexes and cottage cluster developments dwellings.~~
- Ensure compliance with specific appearance, transportation safety and utility standards specified in this code.

The purpose of Site Plan Review is to:

- Provide rules, regulations and standards for efficient and effective administration of Site Plan Review;
- Carry out the development pattern and plan of the City according to the Bend Comprehensive Plan policies;
- Promote the public health, safety and general welfare;
- Ensure adequate public facilities and services are available to serve new development;
- Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed human-scaled design.

The purpose of Design Review is to:

- Ensure detailed, human-scale design, while affording flexibility to use a variety of architectural building styles.

4.2.200 Review Processes.

- A. Minimum Development Standards Review. Applications are reviewed under the Type I process. If Minimum Development Standards Review is combined with a Waiver or Modification of Public Improvement Standards, the application ~~shall~~ must be reviewed following the Type II process.
- B. Site Plan Review. Applications that do not meet the applicability of the Minimum Development Standards Review ~~shall~~ must be processed as Site Plan Review. Site Plan Review applications are reviewed following the Type II process.
- C. Design Review. Applications are reviewed under the Type II process.

4.2.400 Minimum Development Standards Review.

- A. Minimum Development Standards Review for Single-Family Unit Detached Dwellings, ~~Single-Family Attached~~ Townhomes, Accessory Dwelling Units and Duplexes, Triplexes, Quadplexes and Cottage Cluster Developments ~~Dwellings~~.
1. Applicability.
 - a. This section applies to the construction of a new single-family unit detached dwelling, ~~single-family attached townhome~~, accessory dwelling unit, ~~or duplex~~, triplex and quadplex and cottage cluster developments ~~dwelling~~. Except as provided in subsection (A)(2)(~~ea~~) of this section, a dwelling unit is also considered new if the livable space of an existing dwelling unit is increased by 50 percent or more. (Partial to full demolition of the existing dwelling unit's livable space replaced with new square footage of livable space is considered new square footage.)

A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria is required and will be verified through the building permit process.

2. Exemptions. The following ~~are~~ is not subject to this section:

~~a. Single-family detached dwellings that have existing full utility and full street frontage infrastructure.~~

~~b. Single-family attached townhomes that have existing full utility and full street frontage infrastructure, and have vehicular access from an alley.~~

~~c.~~ a. New construction of 200 square feet or less in area to an existing dwelling unit's livable space.

In such instances, subsection 4.2.400(A)(3)(b)(i) of this section must be met.

3. Approval Criteria. The Review Authority must approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.

a. The proposed land use is a permitted or conditionally permitted use in the zoning district.

~~b. In addition to the standards below, conditionally permitted uses require approval of a Conditional Use Permit and must meet the criteria in BDC 4.4.400.~~

~~c.~~ b. The following standards are met:

i. The land use, ~~building yard~~ setbacks, lot area, lot dimensions, density, lot coverage, building height, design review standards and other applicable standards of the underlying zoning district are met.

ii. ~~Single-family attached townhomes, accessory dwelling units, and duplexes, triplexes and quadplexes~~ Single-family attached townhomes, accessory dwelling units, and duplexes, triplexes and quadplexes must comply with the corresponding standards of BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

iii. Where available, public water and sewer mains must be extended through the length of the property frontage with services provided to the dwelling unit(s).

iv. Street and Alley Improvements for All Uses Other Than ADUs.

(A) Full street and/or alley improvements must be constructed along the frontages of the property when an improved street and/or alley has been built to the property line unless the Development Services Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. When a street and/or

alley has been built to the property line and is not constructed to City standards, an alternative design may be approved by the City Engineer to match existing improvements. In this case, a waiver under BDC 3.4.150 is not required.

(B) For properties over one acre in size where future division of the property is allowable, street and/or alley improvements are not required if any portion of the dwelling is located more than 300 feet from an improved street or alley. In such cases, an agreement to not remonstrate against the formation of a local improvement district must be recorded against the property.

v. Sidewalk Improvements for All Uses Other Than ADUs.

(A) When an existing public sidewalk exists within 600 feet of the front property line on the same side of the street of any of the frontages, sidewalks must be constructed along all frontage(s) of the site. A corner lot or parcel has two or more front property lines and frontages.

(B) Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction.

vi. Driveways and required parking areas must be paved with asphalt, concrete or comparable surfacing; a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality or a ribbon driveway may be used in compliance with BDC 3.1.400. Gravel is not allowed. Driveway apron design and location must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways. If a driveway is existing and no changes are proposed to the existing driveway and/or existing parking, then driveway and apron improvements are not required for an ADU.

vii. Uses must comply with the corresponding standards of BDC Chapter 3.8, Development Alternatives.

Exhibit B

**FINDINGS OF
BEND PLANNING COMMISSION
FOR DEVELOPMENT CODE TEXT AMENDMENTS**



CITY OF BEND

PROJECT

NUMBER: PLTEXT20210421

HEARING DATE: Monday, July 26, 2021
Remote, via a virtual meeting platform

APPLICANT: City of Bend
710 NW Wall Street
Bend, OR 97701

REQUEST: Bend Comprehensive Plan Preface, Chapter 5, Housing and Chapter 11, Growth Management and to BDC Chapters 1.2 Definitions, 2.1 Residential Districts, 2.2 Commercial Zoning Districts, 2.3 Mixed-Use Zoning Districts, 2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2 Landscaping, Street Trees, Fences and Walls, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.1, Development Review and Procedures and 4.2 Minimum Development Standards Review, Site Plan Review and Design Review.

STAFF: Pauline Hardie, AICP, Senior Code Planner

I. APPLICABLE CRITERIA:

- (1) The Bend Comprehensive Plan
- (2) City of Bend Development Code
 - (a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments
- (3) 660-046-0030 Implementation of Middle Housing Ordinances

II. APPLICABLE PROCEDURES:

(1) Bend Code Chapter 10, City of Bend Development Code

(a) Chapter 4.1, Land Use Review and Procedures

III. PROCEDURAL FINDINGS:

1. **PLANNING COMMISSION REVIEW:** The matter before the Planning Commission is the review of amendments to Bend Comprehensive Plan Preface, Chapter 5, Housing and Chapter 11, Growth Management and to BDC Chapters 1.2 Definitions, 2.1 Residential Districts, 2.2 Commercial Zoning Districts, 2.3 Mixed-Use Zoning Districts, 2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2 Landscaping, Street Trees, Fences and Walls, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.1, Development Review and Procedures and 4.2 Minimum Development Standards Review, Site Plan Review and Design Review.

The recommended text amendments are attached as Attachment A.

2. **PUBLIC NOTICE AND COMMENTS:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on June 9, 2021. The City of Bend sent a Measure 56 notice to all affected properties of the short-term rental amendments on June 20, 2021. The City also mailed a notice to 145 short-term rental property management companies on June 28, 2021, as well as emailed them on June 23, 2021. A notice of the July 26, 2021, Planning Commission public hearing was printed in the Bend Bulletin on July 4, 2021, and was mailed to the neighborhood associations on June 29, 2021 and emailed to them on June 28, 2021.
3. **BACKGROUND:** The following provides the background on HB 2001, City Council goals and the HB 2001 Stakeholder Advisory Group.

HB 2001

The Oregon State Legislature passed HB 2001 in June 2019 that is intended to provide more opportunities for a variety of housing types in traditionally single-family neighborhoods and to increase the overall housing supply in and around cities. The HB requires a city with a population of 25,000 or more to allow the development of:

- Duplexes “on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings”, and
- Triplexes, quadplexes, cottage clusters, and townhomes “in areas zoned for residential use that allow for the development of detached single family dwellings”.

Throughout 2020, the Department of Land Conservation and Development (DLCD) led three rulemaking efforts to help cities comply with the requirements of HB 2001. This work included the creation of model codes, establishing compliance standards, and a process and criteria for the evaluation of city plans to address infrastructure needs. On December 9, 2020, the Land Conservation and Development Commission (LCDC) adopted a set of [Oregon Administrative Rules](#) that outlined the “minimum compliance standards” large-sized cities must apply to middle housing in order to comply with HB 2001. They also adopted a [Large Cities Middle Housing Model Code](#) to guide the development of all middle housing types in large-sized cities. Large-sized Cities may choose to regulate middle housing using the Large Cities Middle Housing Model Code, the minimum compliance standards, or a combination of the two.

A city may also propose alternative siting or design standards not authorized by the Oregon Administrative Rules (OAR 660-046-0235). It is important to note that siting and design standards do not include minimum lot or parcel size and maximum density requirements. If a city is interested in proposing an alternative siting or design standard, they must submit to DLCD findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of middle housing. To demonstrate that, a city must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under the Oregon Administrative Rules for siting and design standards:

- a. The total time and cost of construction, including design, labor, and materials;
- b. The total cost of land;
- c. The availability and acquisition of land, including areas with existing development;
- d. The total time and cost of permitting and fees required to make land suitable for development;
- e. The cumulative livable floor area that can be produced; and
- f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

This HB 2001 Stakeholder Advisory Group discussed this section in regards to requiring additional parking and a majority did not support pursuing this option.

Large Cities must comply with House Bill 2001 and the Oregon Administrative Rules by June 30, 2022.

COUNCIL GOALS

The City Council 2019-2021 goals included increasing the supply of shovel ready land available for housing and employment in alignment with the City’s Comprehensive Plan by:

Permitting 3,000 units with the target of 1,170 single family units, 390 single family attached units and 1,440 multi-family units by 06/30/2021.

The goal included a strategy to “Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments.” To implement this strategy the Council identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards. In addition, the goal had a strategy to “Explore alternative housing types and necessary funding sources.” To implement this strategy the Council wanted to adopt policies for alternative housing models, such as four-plexes (quadplexes), tiny homes and single room occupancies. On October 21, 2020, the City Council adopted Ordinance No. NS -2389 that created new development options for micro-unit developments and small dwelling unit developments.

The FY 2021-23 Council Goal Framework plan includes a housing goal to “Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.” The goal includes a strategy to pursue policy actions to increase the supply of housing as a platform for equity by removing and reducing regulatory barriers for development of housing, with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.

The proposed amendments remove barriers for accessory dwelling units, duplexes, triplexes and townhomes and create quadplexes and cottage clusters which help implement the 2019-2021 and 2021-23 Council goals.

HB 2001 STAKEHOLDER ADVISORY GROUP

On November 25, 2019, the City of Bend Planning Commission, in its role as the Committee for Citizen Involvement, approved the formation of a Stakeholder Advisory Group to assist City of Bend staff with amendments to the Bend Development Code in compliance with HB 2001.

The advisory group includes members from the City Council, Planning Commission, Affordable Housing Advisory Committee and the Neighborhood Leadership Alliance as well as representation from Central Oregon Builders Association, Central Oregon LandWatch, 1,000 Friends of Oregon, developers, architects and Neighborhood Associations.

The Stakeholder Advisory Group held 11 meetings to review the adopted Oregon Administrative Rules and Model Code, and based on their discussions, staff drafted the amendments to the Bend Development Code.

IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the Bend Comprehensive Plan and BDC involve broad public policy rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

- 1. The request is consistent with the applicable State land use law;**

FINDING: The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning and Goal 10: Housing.

Goal 1, Citizen Involvement, is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

FINDING: On November 25, 2019, the City of Bend Planning Commission, in its role as the Committee for Citizen Involvement, approved the formation of a Stakeholder Advisory Group to assist City of Bend staff with amendments to the Bend Development Code in compliance with HB 2001.

The advisory group includes members from the City Council, Planning Commission, Affordable Housing Advisory Committee and the Neighborhood Leadership Alliance as well as representation from Central Oregon Builders Association, Central Oregon

LandWatch, 1,000 Friends of Oregon, developers, architects and Neighborhood Associations.

The Stakeholder Advisory Group held 11 meetings to review the adopted Oregon Administrative Rules and Model Code, and based on their discussions, staff drafted the amendments to the Bend Development Code.

Staff emailed the draft amendments to the HB 2001 Stakeholder Advisory Group and to people who have expressed an interest in the amendments on May 3, 2021, to the Bend Development Code Update Group and architects, designers and developers that work with the City of Bend on May 4, 2021, and to the Neighborhood Association Land Use Chairs on May 7, 2021. A webpage bendoregon.gov/HB-2001 was published for the HB 2001 amendments on May 11, 2021, a media news release was sent out on May 14, 2021, and the proposed project was included in the Bend Current eNewsletter on May 21, 2021. In addition, the project was on posted on NextDoor, Facebook and Instagram.

On May 17, 2021, staff presented the amendments to the Bend Economic Development Advisory Board.

On June 14, 2021, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Environmental and Climate Committee (ECC) and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the amendments.

On June 24, 2021, staff presented the parking changes and accessible parking requirements for middle housing to the Accessibility Advisory Committee.

On July 26, 2021, the Planning Commission held a public hearing and recommended approval of the amendments.

Therefore, Goal 1 has been met.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

The City Council 2019-2021 goals included increasing the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

Permitting 3,000 units with the target of 1,170 single family units, 390 single family attached units and 1,440 multi-family units by 06/30/2021.

The goal included a strategy to "Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments." To implement this strategy the Council identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards. In addition, the goal had a strategy to "Explore alternative housing types and necessary funding sources." To implement this strategy the Council wanted to adopt policies for alternative housing models, such as four-plexes (quadplexes), tiny homes and single room occupancies. On October 21, 2020, the City Council adopted Ordinance No. NS -2389 that created new development options including micro-unit developments and small dwelling unit developments.

The FY 2021-23 Council Goal Framework plan includes a housing goal to "Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend." The goal includes a strategy to pursue policy actions to increase the supply of housing as a platform for equity by removing and reducing regulatory barriers for development of housing, with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.

The proposed amendments reduce regulatory barriers to the development of middle housing and create quadplexes and cottage clusters which help implement the 2019-2021 and 2021-23 Council goals.

The proposed amendments are consistent with HB 2001 which states the following:

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) "All middle housing types in areas zoned for residential use that allow

for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

Jurisdictions subject to HB2001 may regulate siting and design of middle housing required to be permitted, provided that the regulations do not, individually or cumulatively, discourage the development of middle housing types through unreasonable cost or delay.

The amendments will allow middle housing including duplexes, triplexes, quadplexes, townhomes and cottage clusters in the RL, RS, RM-10 and RM Districts. The siting and design standards comply with the adopted Oregon Administrative Rules and/or the Large Cities Model Code.

The amendments are needed to help increase the number of different types of dwelling units that are built in Bend which would help meet Bend's housing needs and Council's goals and strategies. Therefore, the amendments are justified and needed and are consistent with HB 2001, and compliance with Goal 2 is maintained.

Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. This goal is not applicable as the amendments have no effect on the availability of or access to recreational opportunities.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an

adequate land supply for economic development and employment growth. This goal is not applicable as the amendments have no effect on economic development and economic growth.

Goal 10, Housing, requires provisions to provide for the housing needs of citizens of the state.

FINDING: The proposed legislative amendments satisfy Goal 10 because they include changes to the Bend Comprehensive Plan and Bend Development Code to implement 2019 HB 2001. Implementing this HB will allow new types of housing in areas where they were previously prohibited, provide additional opportunities to meet the housing needs of Bend residents, and also provide additional opportunities for housing in the UGB, thereby increasing its capacity.

According to the adopted 2016 Bend Housing Needs Analysis (HNA), Bend is planning for growth of approximately 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for middle housing types and small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, triplexes, townhomes, garden apartments, and apartments.

In addition to the HNA, the FY 2021-23 Bend City Council Goal Framework plan includes a housing goal to *“Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.”* The adopted housing goal includes the following strategy and actions to implement this goal:

Strategy: Pursue policy actions to increase the supply of housing as a platform for equity

- *Leverage legislative opportunities to obtain housing for those most in need and provide additional opportunities for first time home ownership*
- *Remove and reduce regulatory barriers for development of housing, with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.*

Consistent with HB 2001, the amendments provide the opportunity for the City of Bend to leverage legislative opportunities and remove regulatory barriers to develop needed housing by allowing for middle housing in the RL, RS, RM-10 and RM Districts and reducing the minimum lot sizes. The amendments help implement the Council's goal of increasing the supply of housing as a platform for equity, and meet the needs identified in the HNA by encouraging the development of middle housing types.

The amendments are intended to ensure compliance with HB 2001. In adopting the amendments to comply with House Bill 2001, the City has considered how these regulations will affect compliance with Goal 10, including how they affect the adopted City of Bend 2016 Buildable Lands Inventory (BLI) and 2016 Housing Needs Analysis (HNA). The amendments will enable the development of middle housing types where they were previously prohibited, increasing the capacity of lands to accommodate housing need identified in the adopted HNA.

The adopted BLI is dated 2016 and therefore the impact on the current, updated true development capacity is not known at the time of adoption of these amendments. However, the City of Bend anticipates the BLI and HNA will be updated in 2022 and no later than December 31, 2024 per OAR 660, Division 8 – Exhibit A, and further consideration of the impact of these amendments on land capacity will be analyzed in the HNA at that time.

In addition, the addition of new housing types in the residential districts of Bend provide additional capacity for housing, and for housing that will help meet the needs of Bend residents and households. The City will evaluate the impact of these code amendments on the supply of buildable land for housing and the subsequent housing needs analysis during the next biennium per the following strategy and objectives adopted by the City Council:

Strategy: Pursue policy actions to increase the supply of housing as a platform for equity

- *Plan for future growth and update the City's Housing Needs Analysis so we can match demand with supply and prepare for a revised Urban Growth Boundary*

Therefore, compliance with Goal 10 is satisfied.

Goal 11, Public Facilities and Services, requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained.

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system. The amendments are not site specific and therefore do not affect the functional classification of any street. The amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore, the amendments do not cause a "significant effect" under ORS 660-012-0060. In addition, according to OAR 660-046-0030 when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly

affect an existing or planned transportation facility. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

Goal 14, Urbanization, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these amendments and therefore, the City's long-standing acknowledgment of compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the BDC amendments.

Based on the above discussion, the amendments to the Bend Comprehensive Plan and BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, the Transportation Planning Rule (TPR) and OAR 660-046-0030 Implementation of Middle Housing Ordinances are discussed further in this document).

2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;

FINDING: The "goals" established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The "goals" are generally carried out through "policies," which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement Goals:

- **Create Housing Options and Affordability.** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.

FINDING: HB 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford, by expanding the ability of property owners to develop middle housing in all residential zones. The amendments implement HB 2001 by reducing regulatory barriers that contribute to increased housing costs. Therefore, the amendments will help provide more housing options that are affordable.

- **Ensure Quality Design and Attractive Development.** Ensure that the “built environment” is as attractive as feasible.

FINDING: The amendments include design standards for garage doors, front door orientation and windows to help ensure middle housing is as attractive as feasible without unreasonable cost or delay.

- **Promote Public and Civic Involvement.** Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an “evolving vision”.

FINDING: On November 25, 2019, the City of Bend Planning Commission, in its role as the Committee for Citizen Involvement, approved the formation of a Stakeholder Advisory Group to assist City of Bend staff with amendments to the Bend Development Code in compliance with HB 2001.

The advisory group includes members from the City Council, Planning Commission, Affordable Housing Advisory Committee and the Neighborhood Leadership Alliance as well as representation from Central Oregon Builders Association, Central Oregon LandWatch, 1,000 Friends of Oregon, developers, architects and Neighborhood Associations.

The Stakeholder Advisory Group held 11 meetings to review the adopted Oregon Administrative Rules and Model Code, and based on their discussions, staff drafted the amendments to the Bend Development Code.

- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

FINDING: The code update implements the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

The amendments to the Bend Comprehensive Plan include the following in the Preface to make it clear that the Bend Development Code standards that implement HB 2001, which were required by the statute, override any conflicting Comprehensive Plan policy or provision.

House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law, passed by

the 2019 Oregon Legislature, expands the ability to build certain housing types, like duplexes, triplexes and quadplexes, in residential zones. House Bill 2001 requires updates to local codes that currently limit the types of housing people can build. The statute and implementing Oregon Administrative Rules compelled the City to amend the Bend Development Code to comply with the new housing legislation thus the code provisions, demanded by statute, override any conflicting Comprehensive Plan policy or provision.

Policies

Development within the Urban Growth Boundary

1-7 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

FINDING: The amendments will allow middle housing in all residential areas. When middle housing developments are allowed in places that are close to jobs and shopping they can produce shorter vehicle trips and more walking and transit trips.

Citizen Involvement

1-15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

FINDING: On November 25, 2019, the City of Bend Planning Commission, in its role as the Committee for Citizen Involvement, approved the formation of a Stakeholder Advisory Group to assist City of Bend staff with amendments to the Bend Development Code in compliance with HB 2001.

The advisory group includes members from the City Council, Planning Commission, Affordable Housing Advisory Committee and the Neighborhood Leadership Alliance as well as representation from Central Oregon Builders Association, Central Oregon LandWatch, 1,000 Friends of Oregon, developers, architects and Neighborhood Associations.

The Stakeholder Advisory Group held 11 meetings to review the adopted Oregon Administrative Rules and Model Code, and based on their discussions, staff drafted the amendments to the Bend Development Code.

On May 17, 2021, staff presented the amendments to the Bend Economic Development Advisory Board.

On June 14, 2021, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Environmental and Climate Committee (ECC) and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the amendments.

On June 24, 2021, staff presented the parking changes and accessible parking requirements for middle housing to the Accessibility Advisory Committee.

1-16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

FINDING: Staff emailed the draft amendments to the HB 2001 Stakeholder Advisory Group and to people who have expressed an interest in the amendments on May 3, 2021, to the Bend Development Code Update Group and architects, designers and developers that work with the City of Bend on May 4, 2021, and to the Neighborhood Association Land Use Chairs on May 7, 2021. A webpage bendoregon.gov/HB-2001 was published for the HB 2001 amendments on May 11, 2021, a media news release was sent out on May 14, 2021, and the proposed project was included in the Bend Current eNewsletter on May 21, 2021. In addition, the project was on posted on NextDoor, Facebook and Instagram.

On May 17, 2021, staff presented the amendments to the Bend Economic Development Advisory Board.

On June 14, 2021, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Environmental and Climate Committee (ECC) and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the amendments.

On June 24, 2021, staff presented the parking changes and accessible parking requirements for middle housing to the Accessibility Advisory Committee.

On July 22, 2021, staff presented the amendments to the Orchard District Neighborhood Association.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on June 9, 2021. The City of Bend sent a Measure 56 notice to all affected properties of the short-term rental amendments on June 20, 2021. The City

also mailed a notice to 145 short-term rental property management companies on June 28, 2021 as well as emailed them on June 23, 2021. A notice of the July 26, 2021, Planning Commission public hearing was printed in the Bend Bulletin on July 4, 2021, and was mailed to the neighborhood associations on June 29, 2021 and emailed to them on June 28, 2021. On July 26, 2021, the Planning Commission held a public hearing and recommended approval of the Bend Comprehensive Plan and BDC amendments identified in Exhibit A.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing and Residential Lands

Goals:

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

FINDING: HB 2001 is a law passed by the Oregon Legislature in 2019 to increase housing choice and supply. The law requires large cities, including Bend, to amend their land use regulations to allow more housing types like duplexes, triplexes, quadplexes, cottage clusters, and townhouses in residential areas where single-family homes are allowed. These housing types are often called “middle housing” because they are between a single-family house and an apartment building in terms on number of units. The amendments comply with HB 2001 and will offer a variety of living styles and choices and help accommodate Bend’s housing needs. The amendments include reducing lot sizes and parking requirements and eliminating maximum densities for middle housing which will provide more efficient use of land for residential uses. The amendments also include a new development alternative “Cottage Cluster Developments” which includes common courtyards that will be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities.

Policies

Housing Mix, Density, and Affordability

5-4. The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

FINDING: According to Bend's Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing, based the following key demographic changes occurring in Bend and across the nation:

- Growth in Baby Boomers (Age in 2014: 48 to 67 years old; Age in 2028: 62 to 81 years old). The number of people over age 65 years old is projected to grow by more than 37,000 over the planning period. Given that Bend's population accounts for about half of the County's population, about half of this growth will be in Bend. Households with a householder over the age of 65 typically have lower income than younger households. Those without accumulated wealth (e.g., housing equity or investments) may choose lower-cost multifamily housing. Some Baby Boomers may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums.
- Growth in Millennials (Age in 2014: 17 to 30 years old; Age in 2028: 31 to 44 years old). The number of Millennials is expected to grow by about 14,000 in Deschutes County over the planning period. Given that Bend's population accounts for about half of the County's population, about half of this growth will be in Bend. Younger Millennials typically have lower income and may have higher debt. Growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.
- Growth in Hispanic and Latino population. The Hispanic and Latino population more than doubled between 2000 and 2013, growing by nearly 6,000 people. The Hispanic and Latino population is expected to continue to grow throughout the State, including in Bend, through 2028. To the extent that in-migrating Hispanic and Latino households have lower than average income, then in-migration of ethnic groups will increase demand for housing affordable to low- and moderate-income households relative to demand for other types of housing. Growth in Hispanic and Latino households will increase the need for affordable housing for renters and homeowners such as: single family dwellings (both smaller and larger sized dwellings), duplexes, larger townhomes, garden apartments, and apartments. Ownership opportunities for Hispanic and Latino Bend Housing Needs Analysis July 19, 2016 Page 2 of 110 households will focus on moderate-cost ownership opportunities, such as single-family dwellings on a small lot or in a more suburban location, duplexes, and townhomes.

The amendments will help implement a mix of housing indicated in the adopted Housing Needs Analysis by allowing more flexible development standards including reduced lot sizes and parking requirements and eliminating maximum densities for middle housing. The amendments also increase the maximum floor area to 800 square feet for ADUs, deletes floor area ratio and balcony requirements for ADUs over 600 square feet, and allows ADUs to be the height of the zoning district.

5-5 The main purpose of maximum densities shown on the Plan Map is to maintain proper relationships between proposed public facilities and services and population distribution. One purpose of minimum densities is to assure efficiency of land use, particularly for larger sites. Another is to encourage development of housing in locations and at densities that support healthy, accessible, and affordable housing choices.

FINDING: As used in the BDC, density means a measurement of the number of dwelling units in relationship to a specified amount of land. Although the City of Bend uses individual dwelling units as a measurement, it doesn't measure the size of the units. Large single family detached dwelling units may take up the same amount of space as several smaller dwelling units, resulting in similar levels of FAR (Floor area ratio means a measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the external face of the external walls by the land area of the development.) Based on this, over the past couple of years Bend has amended the BDC to allow an increase in density for micro-unit developments, small dwelling unit developments and cottage housing due to their small floor area and has exempted duplexes and triplexes from the maximum density standards in the areas designated RL and RS in the Bend Comprehensive Plan Map, except when lots are created as part of a new subdivision application.

Under HB 2001, local jurisdictions are not permitted to apply density maximums for duplexes, triplexes, quadplexes, cottage clusters, and townhouses must be allowed four times the maximum density allowed for single family dwellings in the same zone or 25 units per acre, whichever is less. Therefore, the amendments further exempt duplexes, triplexes, quadplexes, townhomes and cottage clusters from maximum density requirements.

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, ~~consistent with the density ranges and housing types allowed in the zones~~. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

FINDING: The summary of key findings about housing affordability in the Housing Needs Analysis states that the decreases in housing affordability for homeowners

shows an increased need for less costly smaller single-family detached housing, both smaller lots and smaller units, such as cottages or cluster housing, and for townhouses. Demand for owner-occupied multifamily housing, such as garden apartments or urban condominiums, may increase, especially in walkable areas with access to services. These types of more affordable owner-occupied units are the types likely to be preferred by some downsizing baby Boomers and Millennials, especially as the first houses for Millennials.

In addition, according to the Housing Needs Analysis, some baby boomers may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The amendments for duplexes, triplexes, quadplexes, and townhomes include reduced lot sizes and parking requirements and eliminates the maximum density requirements. There will be no minimum lot size for a cottage located on its own lot or parcel and the maximum cottage building footprint must be less than 900 square feet. The amendments remove barriers to the development of middle housing and create a new development alternative.

The amendments also increase the floor area of an ADU from 600 to 800 square feet for properties that are 6,000 square feet or less which will allow all residential zoned properties in Bend to have an ADU with a floor area up to 800 square feet. The amendments also eliminate the maximum height of 25 feet for detached ADUs and allow them to be the height of the corresponding zoning district. The amendments also delete the design standards for ADUs that are over 600 square feet. Therefore, the amendments remove barriers to ADUs and provide a more affordable development option.

To help ensure the availability of adequate numbers of needed housing, the code amendments will limit the number of short-term rental (STR) permits on a property with an ADU, duplex, triplex or quadplex in residential zones. The City developed a comprehensive STR program in 2015, after an extensive and public task force process (comprised of opponents and proponents of STRs), as well as continued community interest and input at the Planning Commission and City Council levels. The code amendments for STRs that are packaged with HB 2001 amendments are not intended to revisit that extensive process, but to address an unintended consequence of allowing more density in the City.

In addition, Policy 5-7 will be amended as shown above to be consistent with HB 2001.

5-8 The City will apply innovative and flexible zoning tools to support a mix of housing types and densities.

FINDING: The amendments for duplexes, triplexes, quadplexes, townhomes and cottage cluster developments will support a mix of housing types in all residential zones. Under HB 2001, local jurisdictions are not permitted to apply density maximums for duplexes, triplexes, quadplexes, cottage clusters, and townhouses must be allowed four times the maximum density allowed for single family dwellings in the same zone or 25 units per acre, whichever is less. The amendment exempt duplexes, triplexes, quadplexes, townhomes and cottage clusters from maximum density requirements.

Therefore, the amendments provide flexibility to the existing standards and will help support a mix of housing types with no maximum density requirements.

5-16 The City may consider density bonuses as an incentive to providing affordable housing.

FINDING: Staff met with affordable housing providers and developers and they recommended eliminating the maximum density for affordable multi-unit dwellings and a majority of the Stakeholder Group supported this recommendation. Therefore, the amendments no longer require a density bonus as an incentive for affordable multi-unit dwellings since there will be no maximum density.

5-17 The City will monitor parking needs for residential uses and set parking requirements to the lowest standards that will meet the community's needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage a more walkable development pattern.

FINDING: The Department of Land Conservation and Development released a report on [Parking and Middle Housing](#) dated March 30, 2020, that summarizes research regarding minimum parking requirements. This report was considered during the administrative rulemaking as to what constitutes unreasonable cost or delay in relationship to minimum parking requirements.

According to the report, minimum parking requirements increase the cost of housing and development both directly and indirectly. Nationwide, the cost of garage parking to renter households is approximately \$1,700 per year, or an additional 17% of a housing unit's rent.¹ One parking space per unit increases costs by approximately 12.5%, and two parking spaces can increase costs by up to 25%. This effect is more pronounced for lower priced housing. Additionally, increase surface parking reduces the maximum

¹ Gabbe, C.J., & Pierce, G. (2017). Hidden costs and deadweight losses: Bundled parking and residential rents in the metropolitan United States. *Housing Policy Debate*, 27(2), 217-229

potential development density (units per acre) for any given project. This effect is proportionally greatest for smaller units.²

The amendments reduce the parking requirements for duplexes, triplexes, quadplexes and townhomes in compliance with the OAR and/or Large Cities Model Code. The amendments will reduce the land needed for parking which helps reduce the cost of the development and encourages a more walkable development pattern.

Residential Compatibility

5-31 Residential areas will offer a wide variety of housing types in locations best suited to a range of housing types, needs and preferences.

FINDING: The Oregon State Legislature passed HB 2001 in June 2019 that is intended to provide more opportunities for a variety of housing types in traditionally single-family neighborhoods and to increase the overall housing supply in and around cities. The HB requires a city with a population of 25,000 or more to allow the development of:

- Duplexes “on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings”, and
- Triplexes, quadplexes, cottage clusters, and townhomes “in areas zoned for residential use that allow for the development of detached single family dwellings”.

The amendments will allow middle housing in the Low Density Residential (RL) District, Standard Density Residential (RS) District, Medium-10 Density Residential (RM-10) District and Medium Density Residential (RM) District. There are also amendments to the High Density Residential (RH) District which currently allows middle housing.

Neighborhood Appearance

5-33 All new developments shall include trees in the road right of way, as practical, in the planter strip between the curb and sidewalk.

FINDING: As defined in the Oregon Administrative Rules, “Design Standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking

² Litman, T. (2019). Parking Requirement Impacts on Housing Affordability. *Victoria Transport Policy Institute*.

configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

Street trees are considered a type of landscaping and the Oregon Administrative Rules state that a Large City must apply the same landscaping standards that apply to single-family detached dwellings in the same zone for duplexes, triplexes, quadplexes and townhomes. Therefore, the amendments delete the requirement to provide street trees during the development of duplexes and triplexes. Street trees will still be required as part of a residential land divisions.

5-34 Walls and fences along arterial or collector streets shall be subject to special design standards. The area between the fence or wall and the curb or pavement shall be landscaped.

FINDING: The amendments for shared courts will allow lots or parcels that front an arterial to have a fence in the front setback not exceeding six feet in height as long as it complies with the clear vision area standards of BDC 3.1.500.

Residential Development

Amendments to the following Policies 5-22 through 5-58 are needed to be in compliance with HB 2001; however, they will continue to support a variety of housing options.

5-55 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis ~~and the planned residential densities citywide specified in the Bend Comprehensive Plan.~~

FINDING: According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The amendments for duplexes, triplexes, quadplexes, townhomes and cottage cluster developments will support a mix of housing types.

These amendments support residential infill and support middle housing by providing reduced lot sizes and parking minimums and eliminating maximum density

requirements. This will allow smaller lots and parcels to be developed with middle housing.

The amendment to Policy 5-55 deletes the portion of the policy regarding planned residential densities citywide to be consistent with Oregon Administrative Rules (OAR 660-046) and the Large Cities Model Code.

5-56 The City will promote a mix of housing types in areas zoned ~~Standard Density Residential (RS) District~~ residential through clear and objective standards ~~to assure that development integrates with existing neighborhoods in which it is permitted~~ and in compliance with HB 2001.

FINDING: The Oregon State Legislature passed House Bill (HB) 2001 in 2019 which requires cities over 25,000 population to allow the development of "middle housing", such as:

- Duplexes "on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings", and
- Triplexes, quadplexes, cottage clusters, and townhomes "in areas zoned for residential use that allow for the development of detached single family dwellings".

The City may regulate siting and design of middle housing required to be permitted, provided that the regulations do not, individually or cumulatively, discourage the development of middle housing types through unreasonable cost or delay. In addition, Oregon Revised Statute (ORS) 197.307(4) requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of "needed housing." This is to ensure that communities do not use discretionary or subjective criteria to deny housing projects. The clear and objective standards, conditions, and procedures can't discourage housing through unreasonable cost or delay.

The amendments to the BDC will allow duplexes, triplexes, quadplexes, townhomes and cottage clusters on reduced lot sizes and parking minimums with no density maximums. This will help promote a mix of housing in all residential zoning districts. The amendments include design standards for garage doors, window coverage and front door orientation that are consistent with the OARs and Model Code. The standards are clear and objective and are in compliance with HB 2001. The amendment to Policy 5-56 eliminates the statement that the standards will assure that development integrates with existing neighborhoods since the standards are dictated by the OARs and Model Code.

~~**5-57** The City will support zoning standards that encourage residential siting of duplexes and triplexes in the Standard Density Residential (RS) District while~~

~~maintaining the general overall density citywide consistent with the Bend Comprehensive Plan.~~

FINDING: The amendments will allow all middle housing in all residential districts in compliance with HB 2001. Therefore, Policy 5-57 will be deleted.

~~5-58 The City will create minimum lot sizes for duplexes and triplexes in the Standard Density Residential (RS) District that help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide as specified in the Bend Comprehensive Plan.~~

FINDING: The amendments reduce the lot sizes for triplexes, quadplexes and townhouses in compliance with the Oregon Administrative Rules and Large Cities Model Code. Furthermore, under HB 2001, local jurisdictions are not permitted to apply density maximums for duplexes, triplexes, quadplexes, cottage clusters, and townhouses must be allowed four times the maximum density allowed for single family dwellings in the same zone or 25 units per acre, whichever is less. The amendment exempt duplexes, triplexes, quadplexes, townhomes and cottage clusters from maximum density requirements. Therefore, Policy 5-58 will be deleted.

The amendments satisfy Chapter 5 since they will help keep our neighborhoods livable by offering a variety of living styles and choices (i.e., middle housing) and they provide housing options that accommodate varied housing needs of citizens with open space and a sense of community (i.e., cottage cluster developments) and they promote flexibility in development standards to balance the need for more efficient use of residential land. The amendments are clear and objective.

Chapter 9: Community Appearance

Policies

9-3 The city will use advisory committees, public workshops, and other measures, to identify those characteristics that give the community its individual identity and preserve and expand those characteristics as growth occurs.

FINDING: Staff worked with the HB 2001 Stakeholder Advisory Group to review design standards for triplexes, quadplexes, townhomes and cottage cluster developments that were in compliance with the OARs and/or Large Cities Model Code. The amendments include design standards for garage doors, window coverage and front door orientation standards for triplexes, quadplexes and townhomes and cottage orientation and common courtyard design standards for cottage cluster developments.

9-8 The city values design review for all development in the community with the exception of single-family houses, and duplexes ~~and tri-plexes~~.

FINDING: The Oregon Administrative Rules defines design standards as follows:

“Design Standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

According to OAR 660-046-0210(2), Large Cities may regulate siting and design of Middle Housing, provided that the regulations;

- a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
- b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.

The BDC amendments include design standards for garage doors, window coverage and front door orientation for triplexes, quadplexes and townhomes that are consistent with the OARs and Model Code. The standards are clear and objective, will not cause unreasonable cost or delay and are in compliance with HB 2001. The amendments to Policy 9-8 allow Bend to have design standards for triplexes in compliance with the Oregon Administrative Rules.

Therefore, the amendments satisfy Chapter 9 by working with the HB 2001 Stakeholder Advisory Group and creating design standards for middle housing.

Chapter 11: Growth Management

The amendments to the Bend Comprehensive Plan Chapter 11, Growth Management policies comply with the OARs and Large Cities Model Code and delete references to maximum allowed number of housing units for expansion areas.

Policies

General Growth Management Policies

11-1 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

FINDING: The amendments will allow middle housing in all residential areas. When middle housing developments are allowed in places that are close to jobs and shopping they can produce shorter vehicle trips and more walking and transit trips.

Master Planning Policies

11-51 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.

Table 11-1. Residential Master Plan Minimum Density and Housing Mix				
Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density *	Master Plan Minimum Housing Mix**
Urban Low Density	Residential Low Density (RL)	Min: 1.1 Max: 4.0	2.0	10%
Urban Standard Density	Residential Standard Density (RS)	Min: 4.0 Max: 7.3	5.11	10%
Urban Medium Density	Residential Medium Density (RM)	Min: 7.3 Max: 21.7	13.02	67%
	Medium-10 Density Residential (RM-10)	Min: 6.0 Max: 10.0	6.0	67%
Urban High Density	Residential High Density (RH)	Min: 21.7 Max: 43.0	21.7	90%

* Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities and for exemptions to the general density ranges.

** Housing mix is expressed as the minimum percent of units that must be ~~single-family attached townhomes~~, duplexes/triplexes/quadplexes and/or multifamily units ~~residential units~~. See Bend Development Code for definitions of housing types.

FINDING: The amendments to Policy 11-51 recognize that there are exemptions to the maximum density requirements for middle housing for master plans. In addition, amendments to BDC Chapter 2.7, Special Planned Districts, Refinements Plans, Areas Plans and Master Plans includes the following amendments consistent with OAR 660-046-0205(2)(b):

Special Planned Districts, Refinement Plans, Area Plans and Master Plans adopted before January 1, 2021, may allow a net residential density of at least eight dwelling units per acre.

As of January 1, 2021, and after the lot or parcel has been developed, duplexes, triplexes, quadplexes, cottage clusters and townhouses are permitted on lots or parcels that allow a single-unit detached dwelling.

Therefore, the amendments satisfy Chapter 11.

Based on the findings stated above, staff concludes that the amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING: House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law expands the ability of property owners to build certain traditional housing types, like duplexes, triplexes, quadplexes, townhomes and cottage cluster developments, in residential zones. These housing types exist in Bend, but not in all residential zones. When they are allowed, they are subject to larger lots than single-family detached dwelling units and are subject to maximum densities which is a barrier to development. These limitations contribute to increased housing costs and fewer choices. The amendments implement HB 2001 and allow middle housing in all the residential zones on reduced lots sizes without maximum densities. There is a public need and benefit for the amendments since they will increase development of middle housing identified in the Housing Needs Analysis.

Therefore, the amendments to the Bend Comprehensive Plan and BDC meet this criterion.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the Bend Comprehensive Plan and BDC text amendments are adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the Bend Comprehensive Plan and BDC available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: According to OAR 660-046-0030 when a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

OAR 660-046-0030 Implementation of Middle Housing Ordinances

2. In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a Medium or Large City must include findings demonstrating consideration, as part of the post acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

a. Waiving or deferring system development charges;

FINDING: The City of Bend has exempted SDCs for publicly-supported affordable housing since 2017, and has worked with Bend Park and Recreation District to do the same for a portion of their SDCs as well. Over 500 units of affordable housing have been exempted since 2017.

b. Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

FINDING: The City of Bend implemented the Low-Income Property Tax Exemption (ORS 307.515) in 2003. The City is evaluating additional property tax exemptions currently, including Multiple-Unit Housing (MUPTE – ORS 307.600), VHTC (ORS 307.841), and Non-Profit Corporation Low-Income Housing (ORS 307.540).

c. Assessing a construction tax under ORS 320.192 and ORS 320.195. 3. When a Medium or Large City amends its comprehensive plan or land use regulations to allow Middle Housing, the Medium or Large City is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

FINDING: The City of Bend was the first in Oregon to create a Construction Excise Tax (CET), prior to the authorizing legislation in ORS 320.192. That fund was established in 2006, is known as our Affordable Housing Fund, and has supported the creation of over 1000 units of publicly-supported affordable housing since that time. In addition, City of Bend created a CET in late 2020 on commercial and industrial permits that is designed to support both unit creation and supportive services for those making 30% AMI and below.

V. CONCLUSIONS:

Based on the above Findings, the Bend Comprehensive Plan and BDC amendments meet all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission recommends approval of the Bend Comprehensive Plan and BDC amendments to the City Council on July 26, 2021.

Enrolled House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.
- (b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.
- (5) The department shall grant or deny a request for an extension under this section:
 - (a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.
 - (b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.
- (6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:
 - (a) Defining the affected areas;
 - (b) Calculating deficiencies of water, sewer, storm drainage or transportation services;
 - (c) Service deficiency levels required to qualify for the extension;
 - (d) The components and timing of a remediation plan necessary to qualify for an extension;
 - (e) Standards for evaluating applications; and
 - (f) Establishing deadlines and components for the approval of a plan of action.

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development; and**

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
 - (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
 - (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.
- (c) For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;**
- (b) Household demographics in terms of age, gender, race or other established demographic category;**
- (c) Household incomes;**
- (d) Vacancy rates; and**
- (e) Housing costs.**

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[2] **(5) Subsection (1)(a) and (d) of this section does not apply to:**

- (a) A city with a population of less than 2,500.**
- (b) A county with a population of less than 15,000.**

[3] **(6) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.**

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

(a) Residential units.

(b) Regulated affordable residential units.

(c) Multifamily residential units.

(d) Regulated affordable multifamily residential units.

(e) Single-family *[units]* **homes**.

(f) Regulated affordable single-family *[units]* **homes**.

(g) Accessory dwelling units.

(h) Regulated affordable accessory dwelling units.

(i) Units of middle housing, as defined in section 2 of this 2019 Act.

(j) Regulated affordable units of middle housing.

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

(a) Required by geographic or climatic conditions unique to Oregon;

(b) Necessary to be compatible with other statutory provisions;

(c) Changes to the national codes are adopted in Oregon; or

(d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

Division 46 Middle Housing in Medium and Large Cities

Rules as adopted by the Land Conservation and Development Commission December 9, 2020

660-046-0000 Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010 Applicability

1. A local government that is a Medium City or Large City must comply with this division.
2. Notwithstanding section (1), a Medium or Large City need not comply with this division for:
 - a. Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;
 - b. Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and
 - c. Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
3. A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.
 - a. Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.
 - A. Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.
 - i. Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;
 - ii. Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and
 - iii. If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.
 - B. Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective

measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

- i. Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and
 - ii. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.
- b. Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.
- c. Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:
 - A. Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and
 - B. Other hazard areas identified in an adopted comprehensive plan or development code; provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:
 - i. Increasing the number of people exposed to a hazard;
 - ii. Increasing risk of damage to property, built, or natural infrastructure; and
 - iii. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
- d. Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.
- e. Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.
- f. Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.
- g. Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to

- protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.
- h. Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.
 - i. Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:
 - A. Increasing the number of people exposed to a hazard;
 - B. Increasing risk of damage to property, built or natural infrastructure; and
 - C. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
 - 4. For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Land Conservation and Development Commission adopts the following Middle Housing Model Codes:
 - a. The Medium City Model Code as provided in Exhibit A; and
 - b. The Large City Model Code as provided in Exhibit B.
 - 5. This division does not prohibit Medium or Large Cities from allowing:
 - a. Single-family dwellings in areas zoned to allow for single-family dwellings; or
 - b. Middle Housing in areas not required under this division.

660-046-0020 Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 et seq. apply, unless the context requires otherwise. In addition, the following definitions apply:

1. "A Local Government That Has Not Acted" means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.
2. "Cottage Cluster" means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.
3. "Department" means the Department of Land Conservation and Development.
4. "Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.
5. "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.
6. "Duplex" means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.
7. "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:
 - a. Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;

- b. Goal 6 Air, Water and Land Resource Quality;
 - c. Goal 7 Areas Subject to Natural Hazards;
 - d. Goal 9 Economic Development;
 - e. Goal 15 Willamette River Greenway;
 - f. Goal 16 Estuarine Resources;
 - g. Goal 17 Coastal Shorelands; and
 - h. Goal 18 Beaches and Dunes.
8. "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.
 9. "Lot or Parcel" means any legally created unit of land.
 10. "Master Planned Community" means a site that is any one of the following:
 - a. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;
 - b. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or
 - c. Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.
 11. "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.
 12. "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.
 13. "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).
 14. "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.
 15. "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.
 16. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - a. Connection to a public sewer system capable of meeting established service levels.
 - b. Connection to a public water system capable of meeting established service levels.
 - c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - d. Storm drainage facilities capable of meeting established service levels for storm drainage.
 17. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.
 18. "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.
 19. "Triplex" means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

20. “Zoned for Residential Use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

660-046-0030 Implementation of Middle Housing Ordinances

1. Before a Medium or Large City amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the Medium or Large City must submit the proposed change to the Department for review and comment pursuant to OAR chapter 660, division 18.
2. In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a Medium or Large City must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:
 - a. Waiving or deferring system development charges;
 - b. Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and
 - c. Assessing a construction tax under ORS 320.192 and ORS 320.195.
3. When a Medium or Large City amends its comprehensive plan or land use regulations to allow Middle Housing, the Medium or Large City is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

660-046-0040 Compliance

1. A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq. and the provisions of this division.
2. A Medium or Large City may request from the Department an extension of the time allowed to complete the action under subsection (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.
3. A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).
4. A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).
5. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:
 - a. The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or
 - b. 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).
6. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an

appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

7. If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.
8. Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

660-046-0050 Eligible Local Governments

1. If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies it as a Medium City, the local government must comply with this division within one year of its qualification as a Medium City.
2. If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

660-046-0100 Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Medium Cities.

660-046-0105 Applicability of Middle Housing in Medium Cities

1. A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.
2. OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

660-046-0110 Provisions Applicable to Duplexes in Medium Cities

1. Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Medium Cities may regulate siting and design of Duplexes, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.
3. Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.
4. Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval process provided in OAR 660-046-0115;
 - c. Siting standards provided in OAR 660-046-0120;
 - d. Design standards in Medium Cities provided in OAR 660-046-0125;
 - e. Duplex Conversions provided in OAR 660-046-0130; and
 - f. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0115 Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0120 Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

1. Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.
2. Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.
3. Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.
4. Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.
5. Parking:
 - a. A Medium City may not require more than a total of two off-street parking spaces for a Duplex.
 - b. Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.
6. Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.
7. A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

660-046-0125 Duplex Design Standards in Medium Cities

1. Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.
2. A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

660-046-0130 Duplex Conversions

Additions to or conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code.

660-046-0200 Purpose of Middle Housing in Large Cities

OAR 660-046-0205 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Large Cities.

660-046-0205 Applicability of Middle Housing in Large Cities

1. A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

2. A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:
 - a. Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);
 - b. Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing in Master Planned Communities as follows:
 - A. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan after January 1, 2021, it must allow the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235.
 - i. A Large City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary.
 - ii. If a proposed Middle Housing development exceeds the planned public service capacity of a Master Plan, the Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development.
 - iii. A Large City may require a mix of two or more Middle Housing types within a Master Plan or portions of a Master Plan.
 - iv. A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five dwelling units or more or manufactured home parks.
 - B. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.
 - c. Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.
3. A Large City may:
 - a. Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or
 - b. Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):
 - A. Triplexes – Must be allowed on 80% of Lots and Parcels;
 - B. Quadplexes - Must be allowed on 70% of Lots and Parcels;
 - C. Townhouses - Must be allowed on 60% of Lots and Parcels; and
 - D. Cottage Clusters – Must be allowed on 70% of Lots and Parcels.

- E. A Middle Housing type is “allowed” on a Lot or Parcel when the following criteria are met:
 - i. The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;
 - ii. The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;
 - iii. Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and
 - iv. The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).
- F. A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in subsection (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all lots and parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in subsection (2) of this section, within a Large City.
- G. Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:
 - i. At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR Chapter 660, Division 18;
 - ii. At any future Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and
 - iii. With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR Chapter 660, Division 18, for Large Cities that are not subject to the Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.
- 4. Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:
 - a. Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.
 - b. Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a lot, including any accessory dwelling units.
 - c. Townhouses – Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.
 - d. Cottage Clusters –
 - A. A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.
 - B. A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

660-046-0210 Provisions Applicable to Middle Housing in Large Cities

1. Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Large Cities may regulate siting and design of Middle Housing, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.
3. Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval processes provided in OAR 660-046-0215;
 - c. Siting standards provided in OAR 660-046-0220;
 - d. Design standards in Large Cities provided in OAR 660-046-0225;
 - e. Middle Housing Conversions provided in OAR 660-046-0230;
 - f. Alternative siting or design standards provided in OAR 660-046-0235; and
 - g. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0215 Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0220 Middle Housing Siting Standards in Large Cities

1. Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.
2. The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:
 - a. Minimum Lot or Parcel Size:
 - A. For Triplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - B. For Quadplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - C. A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs A. or B.

- b. Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.
 - c. Setbacks: A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.
 - d. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.
 - e. Parking:
 - A. For Triplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.
 - B. For Quadplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and
 - iv. For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.
 - C. A Large City may allow on-street parking credits to satisfy off-street parking requirements.
 - D. A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.
 - E. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - F. A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.
 - f. Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.
 - g. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.
3. The following governs Large Cities' regulation of siting standards related to Townhouses:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.
 - b. Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.
 - c. Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

- d. Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.
 - e. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.
 - f. Parking:
 - A. A Large City may not require more than one off-street parking space per Townhouse dwelling unit.
 - B. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
 - C. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - g. Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse Project greater than that of a single-family detached dwelling.
 - h. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.
4. The following governs Large Cities' regulation of siting standards related to Cottage Clusters:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:
 - A. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.
 - B. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - b. Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family detached dwelling in the same zone.
 - c. Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.
 - d. Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.
 - e. Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.
 - f. Parking:

- A. A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.
- B. A Large City may allow but may not require off-street parking to be provided as a garage or carport.
- C. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
- g. Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.
- h. Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.
- i. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.

660-046-0225 Middle Housing Design Standards in Large Cities

1. A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:
 - a. Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - b. Design standards that are less restrictive than those in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - c. The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or
 - d. Alternative design standards as provided in OAR 660-046-0235.
2. A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

660-046-0230 Middle Housing Conversions

1. Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in Large Cities pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.
2. If Middle Housing is created through the addition to, or conversion of, an existing single-family detached dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.
3. A preexisting detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:
 - a. The preexisting single-family dwelling may be nonconforming with respect to the requirements of the applicable code;
 - b. The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
 - c. The preexisting single-family dwelling shall count as a unit in the Cottage Cluster;
 - d. The floor area of the preexisting single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits; or
 - e. A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.

660-046-0235 Alternative Siting or Design Standards

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) below. Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements.

1. A Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:
 - a. The total time and cost of construction, including design, labor, and materials;
 - b. The total cost of land;
 - c. The availability and acquisition of land, including areas with existing development;
 - d. The total time and cost of permitting and fees required to make land suitable for development;
 - e. The cumulative livable floor area that can be produced; and
 - f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.

Large Cities Middle Housing Model Code

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that “Large Cities” (defined as cities with a population of 25,000 or more and each county or city within a metropolitan service district) must allow: (1) all middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and (2) a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Middle housing, which HB 2001 defines as duplexes, triplexes, quadplexes, cottage clusters, and townhouses, provides an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon’s housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

Large Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Large Cities do not wish to prepare their own standards or if Large Cities do not adopt the required code amendments by June 30, 2022, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Large Cities throughout the state, and is consistent with the requirements and intent of HB 2001. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Chapter 1. Combined Standards for All Middle Housing

Sections:

- A. Purpose
- B. Definitions
- C. Applicability
- D. Relationship to Other Regulations
- E. Duplex, Triplex, and Quadplex Examples

A. Purpose

The purpose of this middle housing model code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for middle housing developed in areas zoned for residential use that allow for the development of detached single family dwellings.

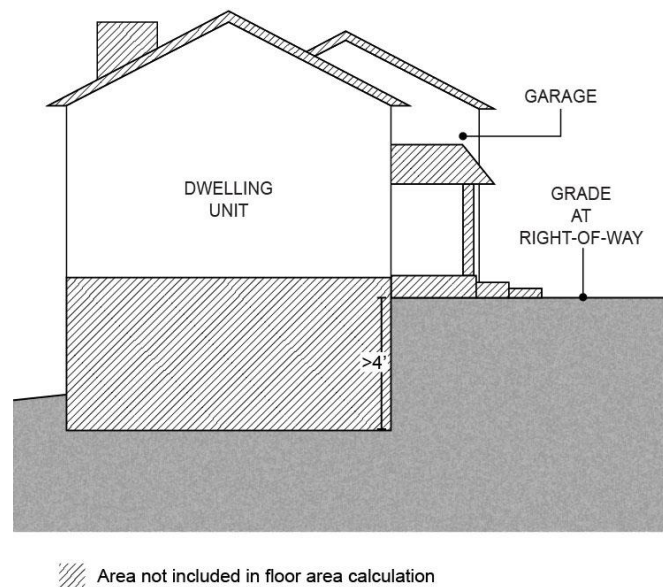
B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
2. “Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
3. “Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
4. “Cottage” means an individual dwelling unit that is part of a cottage cluster.
5. “Cottage cluster” means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
6. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

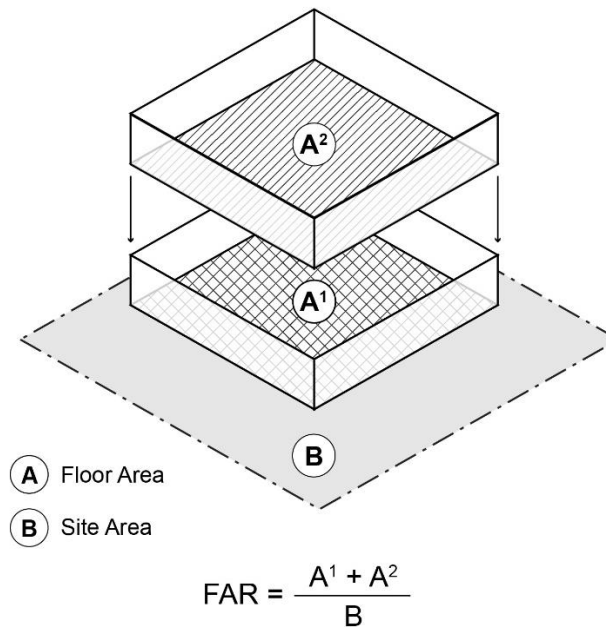
7. “Detached single family dwelling” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
8. “Door area” is the area of the portion of a door other than a garage door that moves and does not include the frame.
9. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
10. “Duplex” means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. See Figure 3 through Figure 8 in Section E for examples of possible duplex configurations.
11. “Floor area” means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):
 - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;
 - Roof area, including roof top parking;
 - Roof top mechanical equipment; and
 - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation



12. “Floor area ratio (FAR)” means the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



13. “Frontage” means the portion of a lot or parcel that abuts a street.
14. “Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
 - Goal 6 Air, Water, and Land Resource Quality
 - Goal 7 Areas Subject to Natural Hazards;
 - Goal 9 Economic Development;
 - Goal 15 Willamette River Greenway;
 - Goal 16 Estuarine Resources;
 - Goal 17 Coastal Shorelands; or
 - Goal 18 Beaches and Dunes.
15. “Lot or parcel” means any legally created unit of land.
16. “Middle housing” means duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

17. "Quadplex" means four dwelling units on a lot or parcel in any configuration. See Figure 11 and Figure 12 in Section E for examples of possible quadplex configurations.
18. "Site area" means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.
19. "Story" means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:
 - A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;
 - An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.
20. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - Connection to a public sewer system capable of meeting established service levels.
 - Connection to a public water system capable of meeting established service levels.
 - Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - Storm drainage facilities capable of meeting established service levels for storm drainage.
21. "Townhouse" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," or "common-wall house."
22. "Townhouse project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.
23. "Triplex" means three dwelling units on a lot or parcel in any configuration. See Figure 9 and Figure 10 in Section E for examples of possible triplex configurations.
24. "Window area" means the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
25. "Zoned for residential use" means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes

lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

C. Applicability

1. Applicability of Code Sections.

- a. Code sections applicable to all middle housing types are: Chapter 1, Sections A (Purpose), B (Definitions), C (Applicability), and D (Relationship to Other Regulations).
- b. Code standards applicable to specific housing types are listed below:
 - Duplexes: Chapter 2.
 - Triplexes: Chapter 3.
 - Quadplexes: Chapter 3.
 - Townhouses: Chapter 4.
 - Cottage clusters: Chapter 5.

2. Applicability by Development Type and Location.

- a. Except as specified in subsection (b) of this section (C)(2), the standards in this code allow for the following development on lots or parcels zoned for residential use that allow for the development of detached single family dwellings:
 - New duplexes and those created through conversion of existing detached single family dwellings.
 - New triplexes, quadplexes, cottage clusters, and townhouses, and those created through conversion of existing detached single family dwellings or duplexes, on lots or parcels with Sufficient Infrastructure.
- b. Exceptions. The standards in this code do not allow the following, unless otherwise permitted by the development code through clear and objective standards, criteria, and procedures:
 - On Goal Protected Lands, the creation of triplexes, quadplexes, cottage clusters, or townhouses, or the creation of more than two dwelling units on a single lot or parcel, including accessory dwelling units.
 - On lands that are not zoned for residential use, the creation of middle housing.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other local jurisdictional standards applicable to a middle housing development, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.

3. Protective Measures. Middle housing shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Duplex, Triplex, and Quadplex Examples

The following figures illustrate examples of possible configurations for duplexes, triplexes, and quadplexes. Other configurations may also be acceptable, provided the development meets the definition of duplex, triplex, or quadplex, pursuant to Section B.

Figure 3. Stacked Duplex

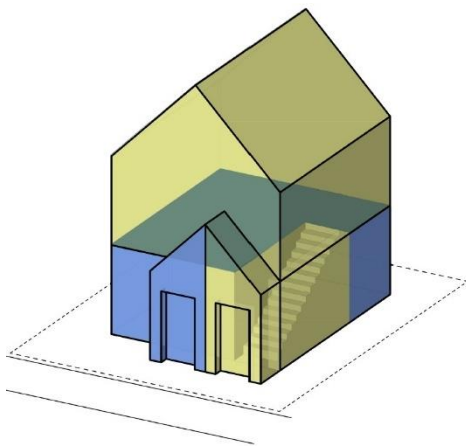


Figure 4. Side-by-Side Duplex

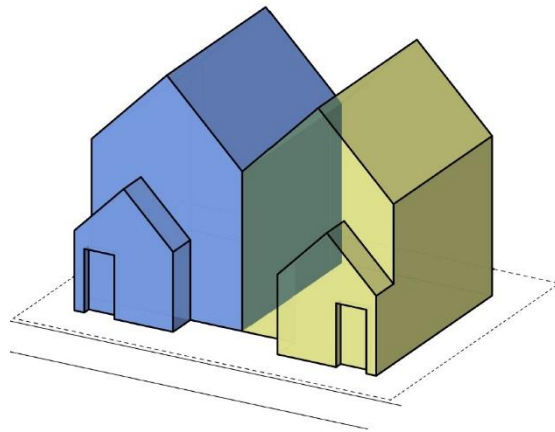


Figure 5. Duplex Attached by Breezeway

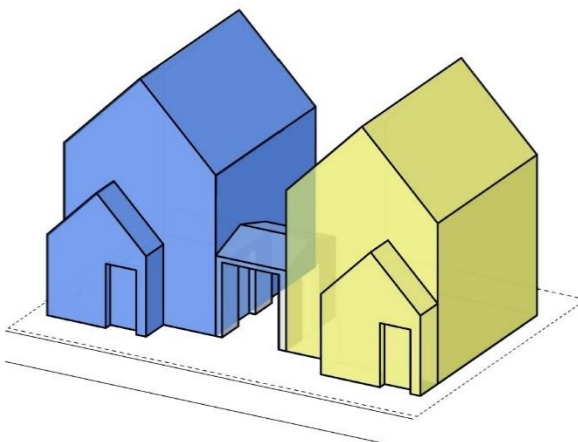


Figure 6. Duplex Attached by Garage Wall

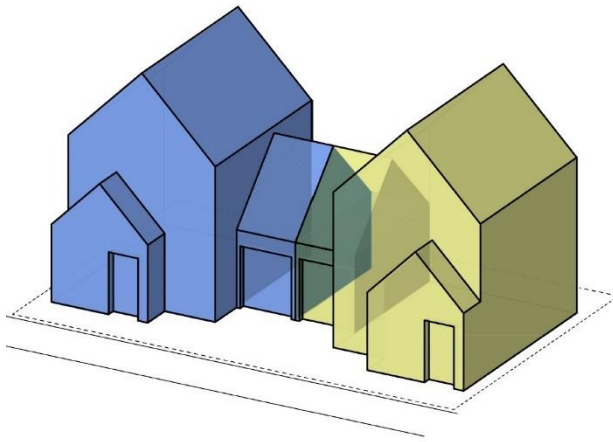


Figure 7. Detached Duplex Units Side-by-Side



Figure 8. Detached Duplex Units Front and Back

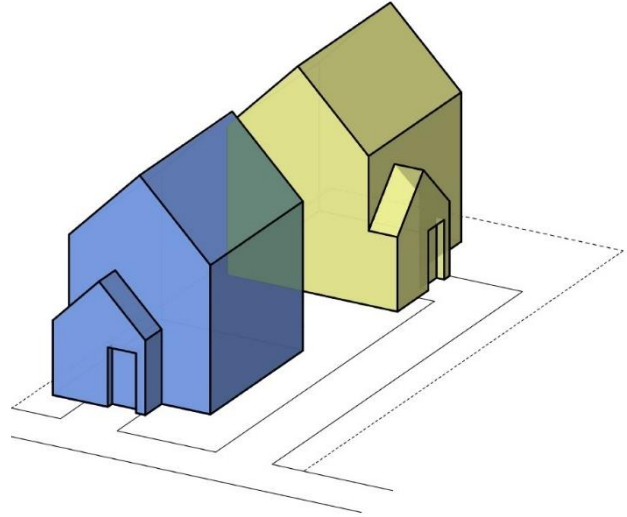


Figure 9. Attached Triplex Front and Back

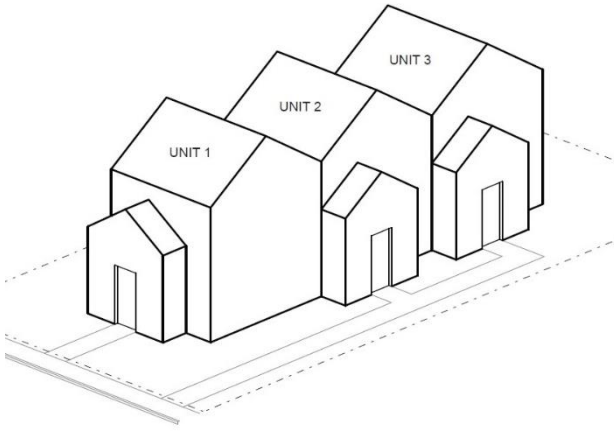


Figure 10. Attached Triplex Side-by-Side

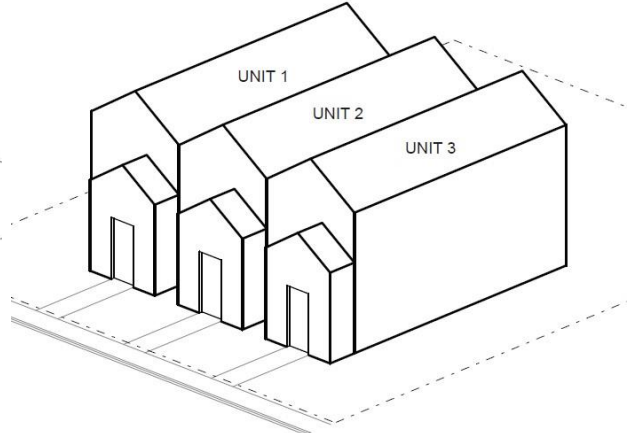


Figure 11. Stacked Quadplex

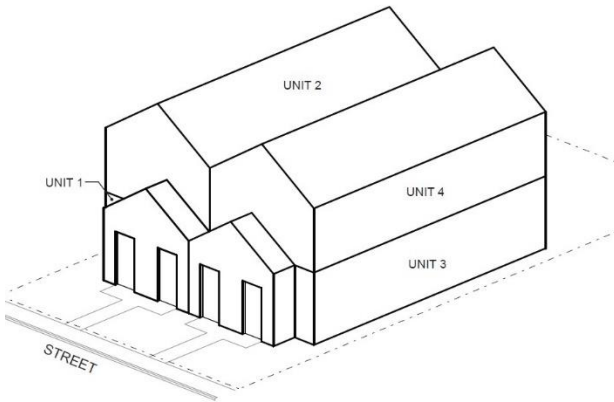
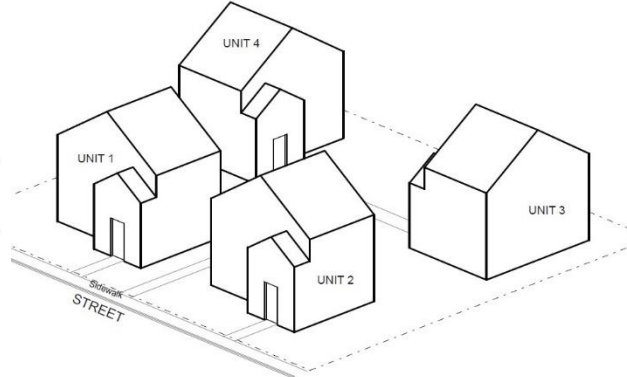


Figure 12. Detached Quadplex



Chapter 2. Duplexes

Sections:

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards
- D. Duplex Conversions

A. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.

B. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

C. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

D. Duplex Conversions

Conversion of an existing detached single family structure to a duplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards.

Chapter 3. Triplexes and Quadplexes

Sections:

- A. Permitted Uses and Approval Process**
- B. Development Standards**
- C. Design Standards**
- D. Triplex and Quadplex Conversions**

A. Permitted Uses and Approval Process

1. Permitted Use. Triplexes and quadplexes are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Triplexes and quadplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a triplex or quadplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.

B. Development Standards

1. Applicability.
 - a. Triplexes and quadplexes shall meet:
 - The standards in subsections (2) through (7) of this section (B).
 - All other clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, lot size and dimensions, minimum and maximum setbacks, and building height), unless those standards conflict with this code and except as specified in subsections (1)(b) and (2) through (7) of this section (B).
 - b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:

- Maximum lot coverage, minimum landscape area, or minimum open space standards.
 - The jurisdiction's development standards other than those in subsections (2) through (7) of this section (B) that apply only to triplexes, quadplexes, or multifamily development.
2. **Number of Units.** This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.
 3. **Maximum Density.** The jurisdiction's pre-existing density maximums do not apply.
 4. **Setbacks.** Minimum front and street side setbacks greater than 10 feet and minimum rear setbacks greater than 10 feet are invalid, except for those minimum setbacks applicable to garages and carports.
 5. **Building Height.** A maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
 6. **Maximum Floor Area Ratio (FAR).** The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single family dwelling in the same zone, as provided below:

Minimum Lot Size for Detached Single Family Dwellings	Maximum FAR
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

7. **Off-Street Parking.**
 - a. **Required Off-Street Parking.** The minimum number of required off-street parking spaces is:
 - i. In zones with a minimum lot size of less than 5,000 square feet, one (1) off-street parking space per development.
 - ii. In zones with a minimum lot size of 5,000 square feet or more, two (2) off-street parking spaces per development.

A credit for on-street parking shall be granted for some or all the required off-street parking as provided in subsection (b). No additional parking spaces shall be required for conversion of a detached single family dwelling to a triplex or quadplex, including those created through the addition of detached units.
 - b. **On-Street Credit.** If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

- i. The space must be abutting the subject site;
- ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
- iii. The space must be a minimum of 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

C. Design Standards

1. Applicability.

- a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet:
 - The design standards in subsections (2) through (5) of this section (C); and
 - All other clear and objective design standards that apply to detached single family dwellings in the same zone, unless those standards conflict with this code and except as specified in subsection (1)(b) of this section (C).
- b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:
 - Mandates for construction of a garage or carport.
 - The jurisdiction's design standards other than those in subsections (2) through (5) of this section (C) that apply only to triplexes, quadplexes, or multifamily development.

2. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

- a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and
- b. The entrance must either:
 - i. Face the street (see Figure 13);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 14);
 - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15); or
 - iv. Open onto a porch (see Figure 16). The porch must:
 - (A) Be at least 25 square feet in area; and
 - (B) Have at least one entrance facing the street or have a roof.

Figure 13. Main Entrance Facing the Street

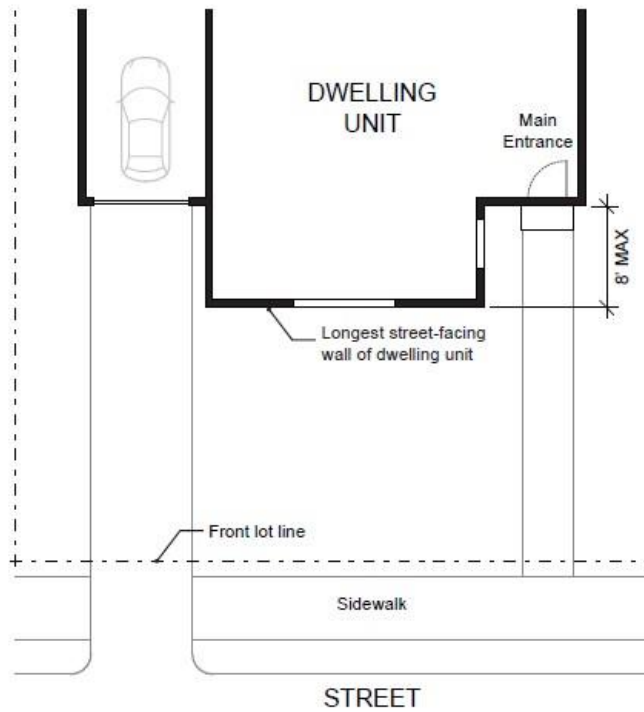


Figure 14. Main Entrance at 45° Angle from the Street

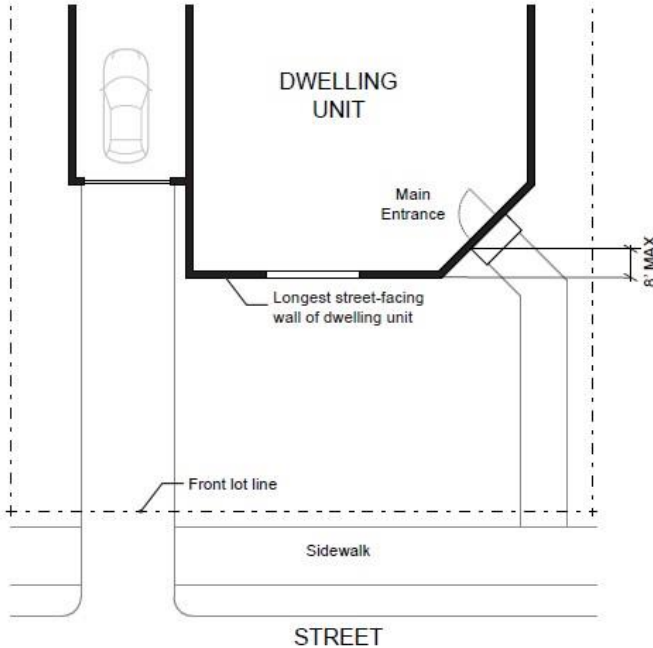


Figure 15. Main Entrance Facing Common Open Space

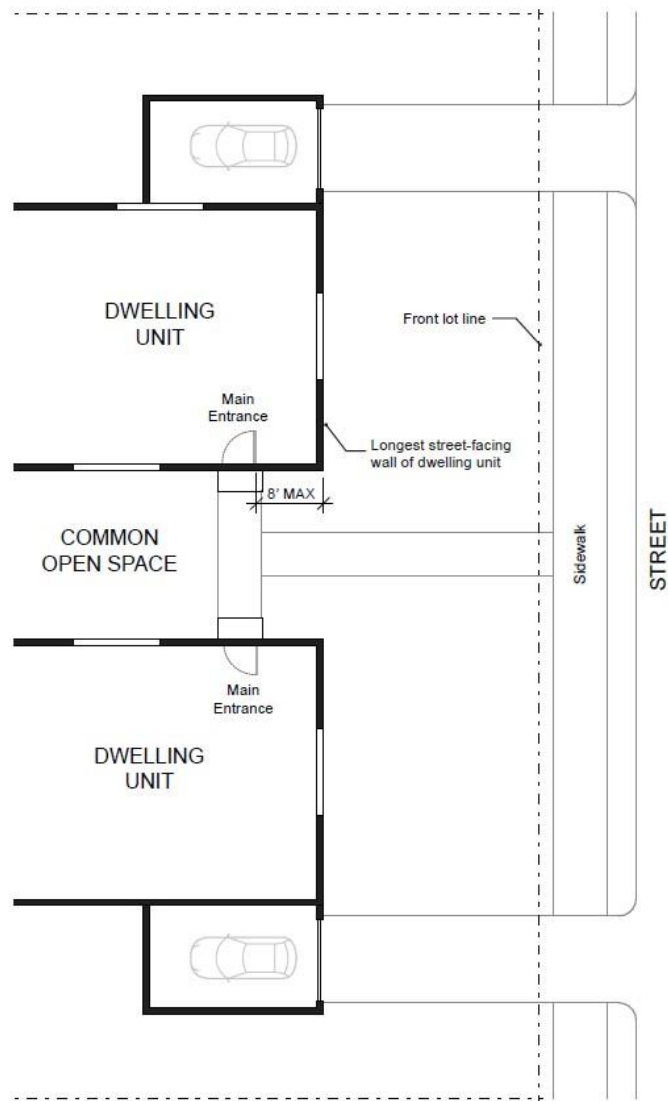
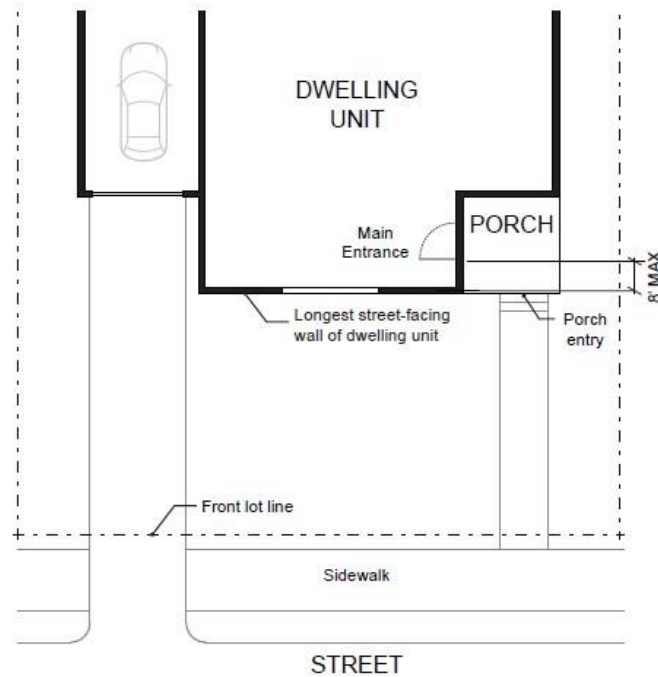
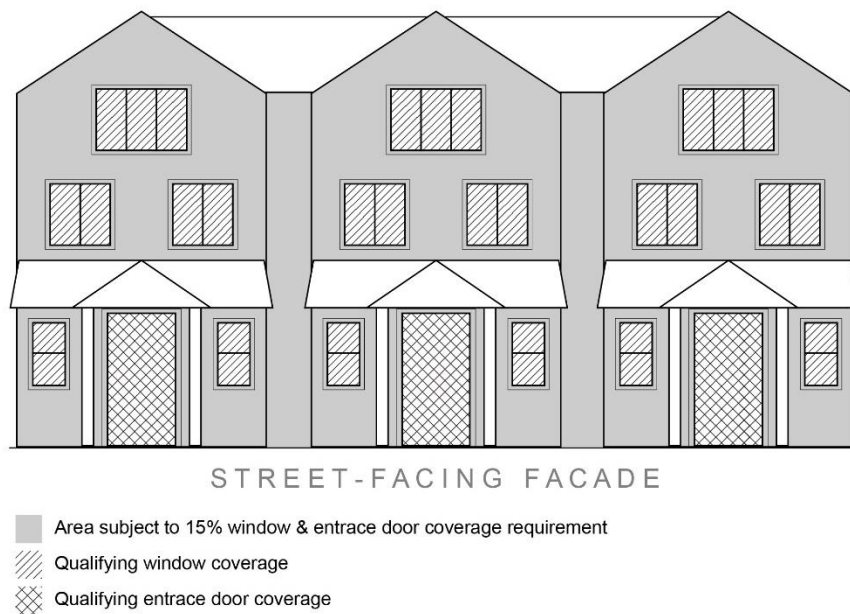


Figure 16. Main Entrance Opening onto a Porch



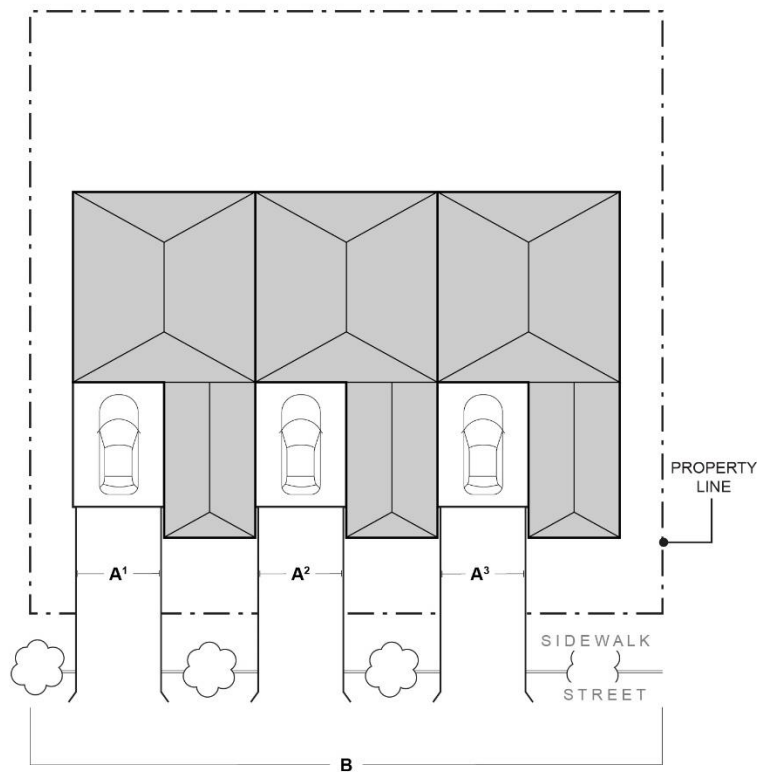
3. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

Figure 17. Window Coverage



4. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) of this subsection (C)(4).
 - a. The garage or off-street parking area is separated from the street property line by a dwelling; or
 - b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 18).

Figure 18. Width of Garages and Parking Areas



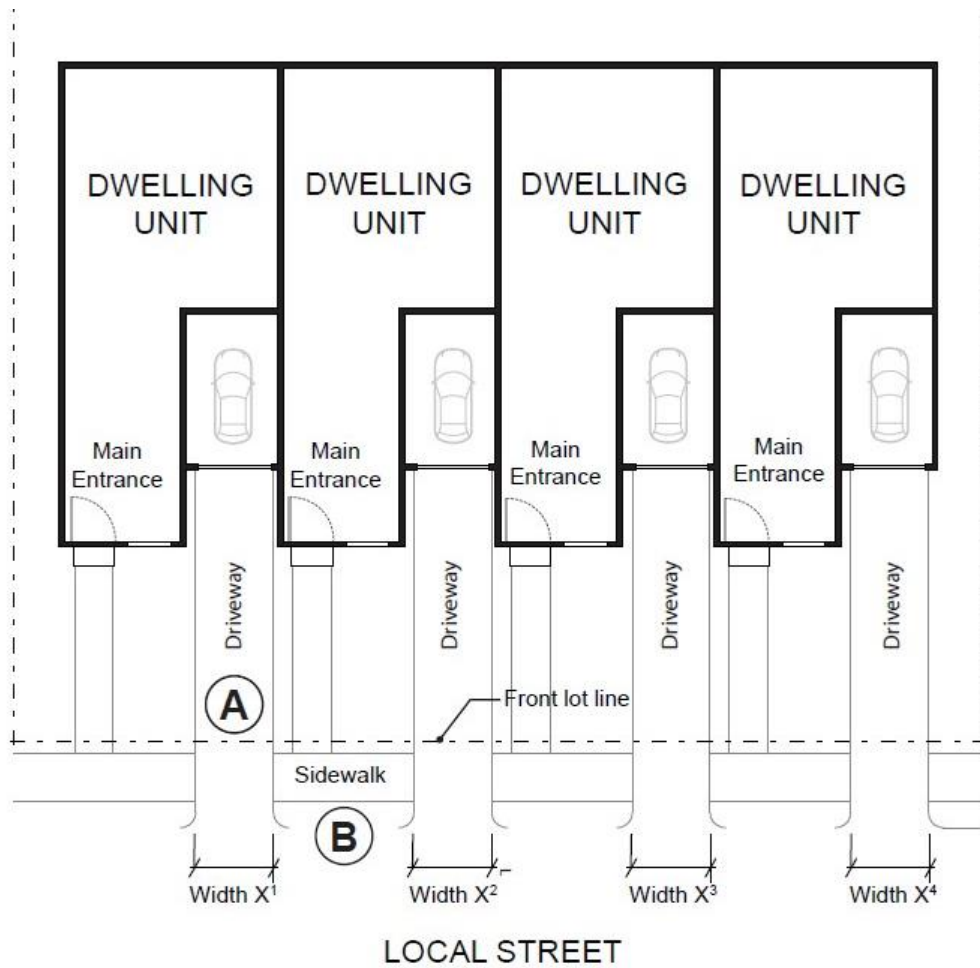
- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

5. Driveway Approach. Driveway approaches must comply with the following:
 - a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 19). For lots or parcels with more than one frontage, see subsection (5)(c) of this subsection (C).

- b. Driveway approaches may be separated when located on a local street (see Figure 19). If approaches are separated, they must meet the jurisdiction's driveway spacing standards applicable to local streets.
- c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley (defined as an alley that meets the jurisdiction's standards for width and pavement), access must be taken from the alley (see Figure 20).
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the jurisdiction's access standards applicable to collectors and/or arterials.
 - iii. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
 - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - One maximum 16-foot-wide driveway approach per frontage (see Figure 21).

Figure 19. Driveway Approach Width and Separation on Local Street



- A** $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,
- B** Driveway approaches may be separated when located on a local street

Figure 20. Alley Access

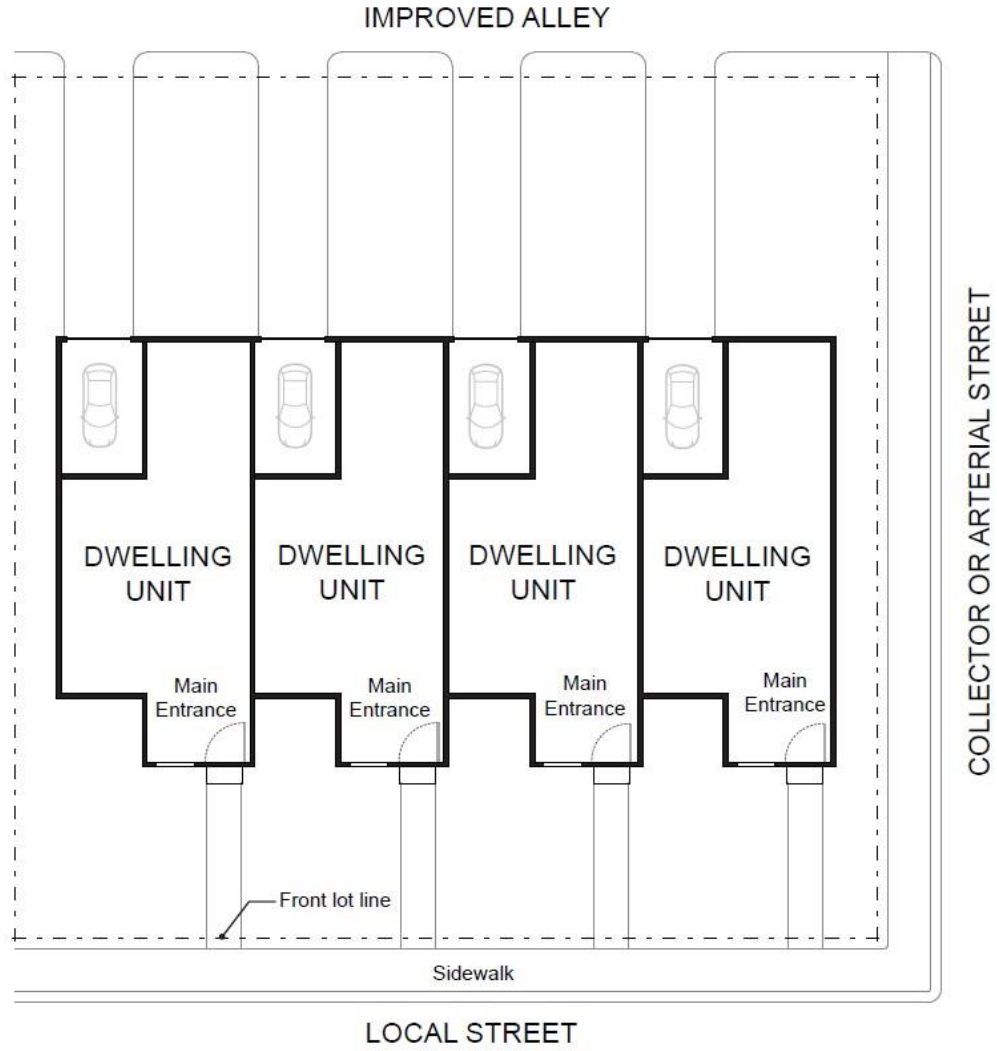
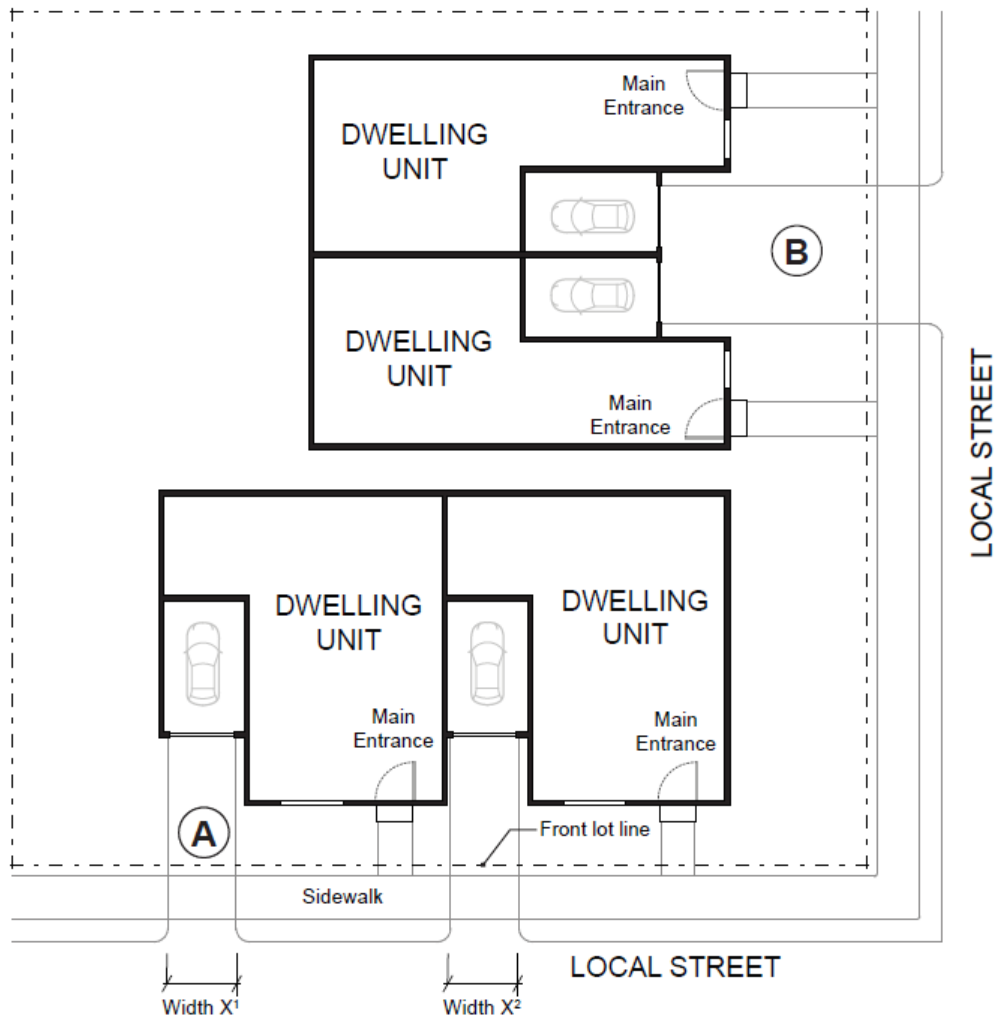


Figure 21. Driveway Approach Options for Multiple Local Street Frontages



Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X1 + X2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

D. Conversions to Triplex and Quadplex

Internal conversion of an existing detached single family structure or duplex to a triplex or quadplex is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

Chapter 4. Townhouses

Sections

- A. Permitted Uses and Approval Process
- B. Development Standards
- C. Design Standards

A. Permitted Uses and Approval Process

1. Permitted Use. Townhouses are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
2. Approval Process. Townhouse structures are subject to the same approval process as that for detached single family dwellings in the same zone. Townhouse projects are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a townhouse project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
3. New Lots or Parcels. Creation of new lots or parcels as part of a townhouse project is subject to the applicable land division approval process.
4. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a townhouse development application.

B. Development Standards

1. Applicability.
 - a. Townhouses shall meet the standards in subsections (3), (4), and (5) of this section (B).
 - b. Townhouse projects shall meet:
 - The standards in subsections (2), (5), and (6) of this section (B).
 - Any applicable clear and objective platting standards, unless those standards conflict with this code.
 - c. The following standards are invalid and do not apply to townhouses or townhouse projects allowed by this code, except as specified in this section (B):
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (6) of this section (B).
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to townhouses and that conflict with provisions of this code.

2. Maximum Density. The maximum density for a townhouse project is as follows:
 - In zones in which the minimum lot size for detached single family dwellings is 2,500 square feet or less, townhouse projects are allowed two (2) times the allowed density for detached single family dwellings.
 - In zones in which the minimum lot size for detached single family dwellings is more than 2,500 square feet but less than 5,000 square feet, townhouse projects are allowed three (3) times the allowed density for detached single family dwellings.
 - In zones in which the minimum lot size for detached single family dwellings is 5,000 square feet or more, townhouse projects are allowed four (4) times the allowed density for detached single family dwellings.
3. Setbacks. Townhouses shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except as noted below:
 - **Front and Street Side:** Minimum front and street side yard setbacks greater than 10 feet are invalid, except those applicable to garages or carports.
 - **Rear:** Minimum rear setbacks greater than 10 feet and minimum rear setbacks greater than zero (0) feet for lots with rear alley access are invalid.
 - **Non-street Side:**
 - The minimum setback for a common wall lot line where units are attached is zero (0) feet.
 - The minimum side setback for an exterior wall at the end of a townhouse structure is five (5) feet.
4. Building Height. Townhouses shall meet the maximum building height standards that apply to detached single family dwellings in the same zone, except a maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.
5. Off-Street Parking.
 - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a townhouse project is one (1) space per unit. Spaces may be provided on individual lots or in a shared parking area on a common tract. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
 - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
 - i. The space must be abutting the subject site;
 - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;

- iii. The space must be a minimum of 22 feet long; and
 - iv. The space must not obstruct a required sight distance area.
6. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.

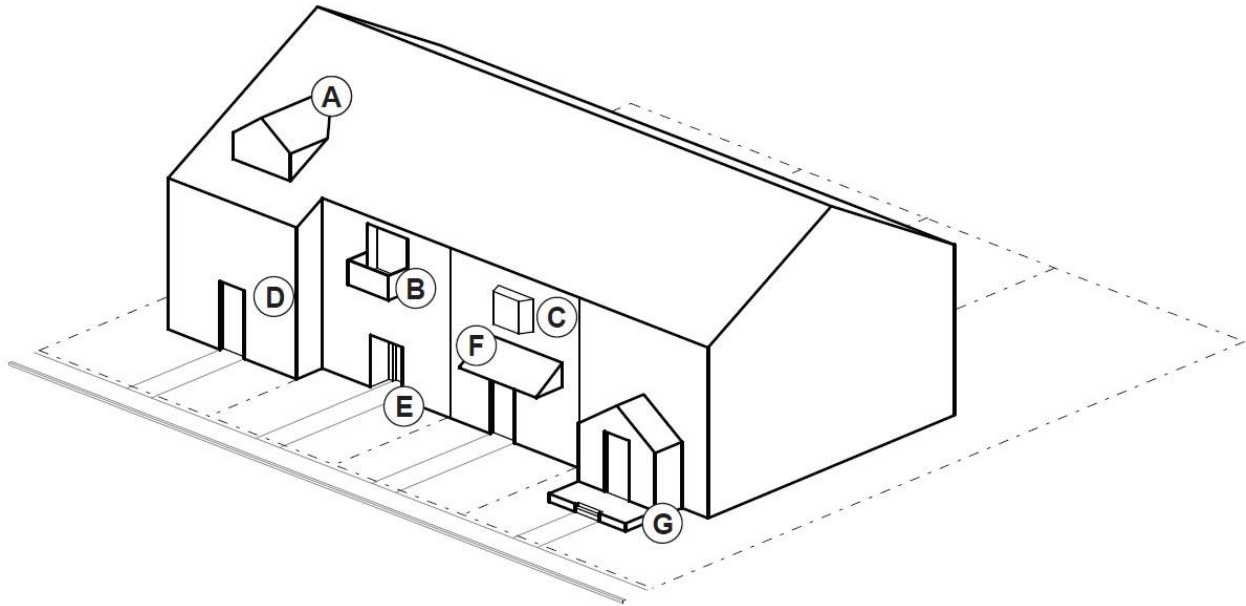
C. Design Standards

New townhouses shall meet the design standards in subsections (1) through (4) of this section (C). Mandates for construction of a garage or carport and any other design standards are invalid.

1. Entry Orientation. The main entrance of each townhouse must:
 - a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - b. Either:
 - i. Face the street (see Figure 13);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 14);
 - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
 - iv. Open onto a porch (see Figure 16). The porch must:
 - (A) Be at least 25 square feet in area; and
 - (B) Have at least one entrance facing the street or have a roof.
2. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 22):
 - a. A roof dormer a minimum of 4 feet in width, or
 - b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
 - c. A bay window that extends from the facade a minimum of 2 feet, or
 - d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
 - e. An entryway that is recessed a minimum of 3 feet, or
 - f. A covered entryway with a minimum depth of 4 feet, or
 - g. A porch meeting the standards of subsection (1)(b)(iv) of this section (C).

Balconies and bay windows may encroach into a required setback area.

Figure 22. Townhouse Unit Definition

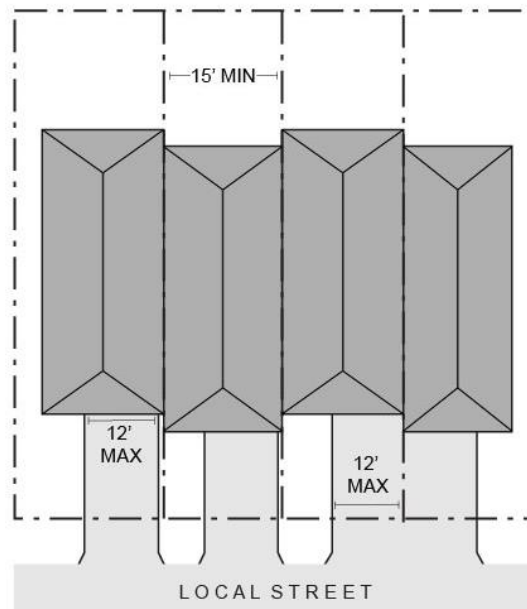


- A** Roof dormer, minimum of 4 feet wide
- B** Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- C** Bay window extending minimum of 2 feet from facade
- D** Facade offset, minimum of 2 feet deep
- E** Recessed entryway, minimum 3 feet deep
- F** Covered entryway, minimum of 4 feet deep
- G** Porch, meets standards of subsection (1)(b)(iv) of section (C)

3. **Windows.** A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 17.
4. **Driveway Access and Parking.** Townhouses with frontage on a public street shall meet the following standards:
 - a. Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 23).

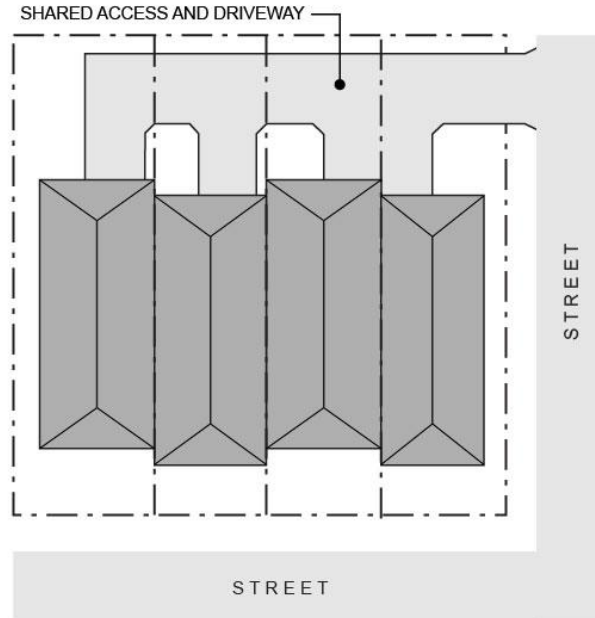
- i. Each townhouse lot has a street frontage of at least 15 feet on a local street.
- ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
- iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

Figure 23. Townhouses with Parking in Front Yard



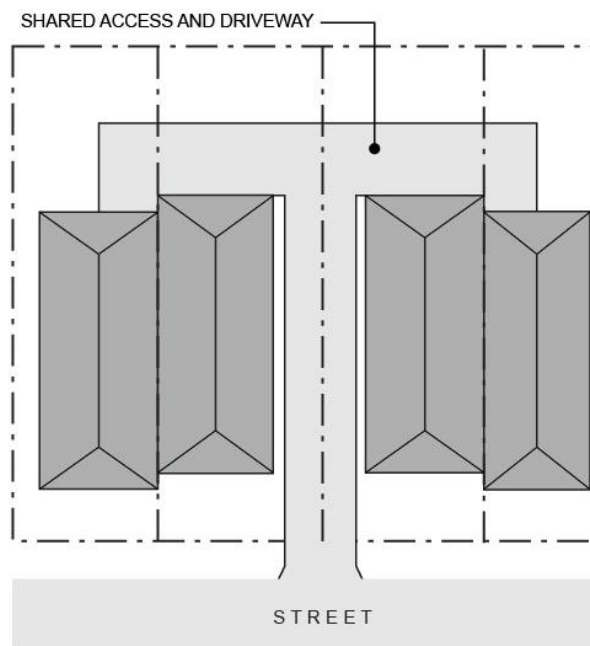
- b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).
 - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
 - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 24.

Figure 24. Townhouses on Corner Lot with Shared Access



- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 25.

Figure 25. Townhouses with Consolidated Access



- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).

Chapter 5. Cottage Clusters

Sections:

- A. Permitted Uses and Approval Process**
- B. Development Standards**
- C. Design Standards**

A. Permitted Uses and Approval Process

- 1. Permitted Use. Cottage cluster projects are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).
- 2. Approval Process. Cottage cluster projects are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures, unless discretionary standards and criteria have been adopted in accordance with ORS 197.307(5). Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.
- 3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.

B. Development Standards

- 1. Applicability.
 - a. Cottage clusters shall meet the standards in subsections (2) through (7) of this section (B).
 - b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to cottage clusters and that conflict with provisions of this code.

2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone.
3. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.
4. Setbacks and Building Separation.
 - a. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except that minimum setbacks for dwellings in excess of the following are invalid:
 - Front setbacks: 10 feet
 - Side setbacks: 5 feet
 - Rear setbacks: 10 feet
 - b. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
6. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.
7. Off-Street Parking.
 - a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).
 - b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.
 - i. The space must be abutting the subject site;
 - ii. The space must be in a location where on-street parking is allowed by the jurisdiction;
 - iii. The space must be a minimum of 22 feet long; and
 - iv. The space must not obstruct a required sight distance area.

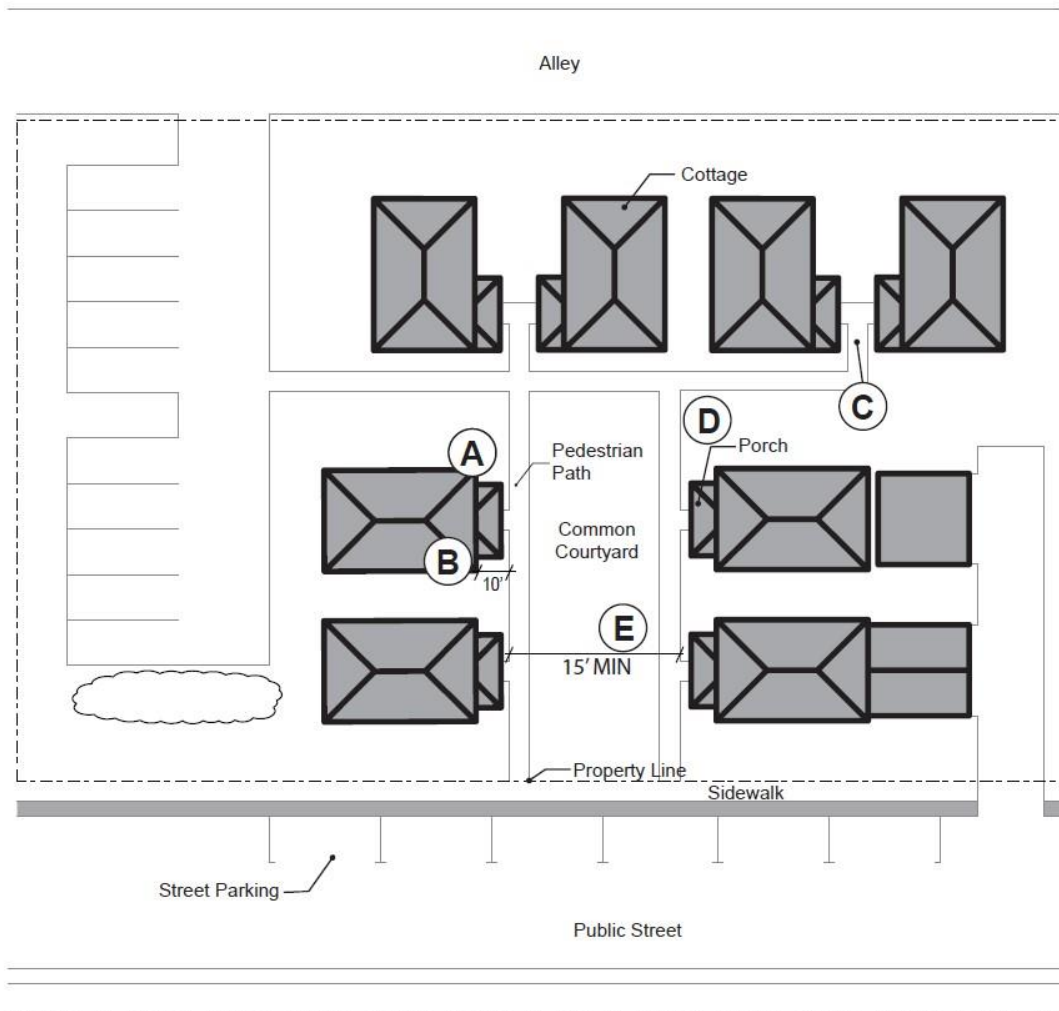
C. Design Standards

Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section (C).

1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 26. Cottage Cluster Orientation and Common Courtyard Standards

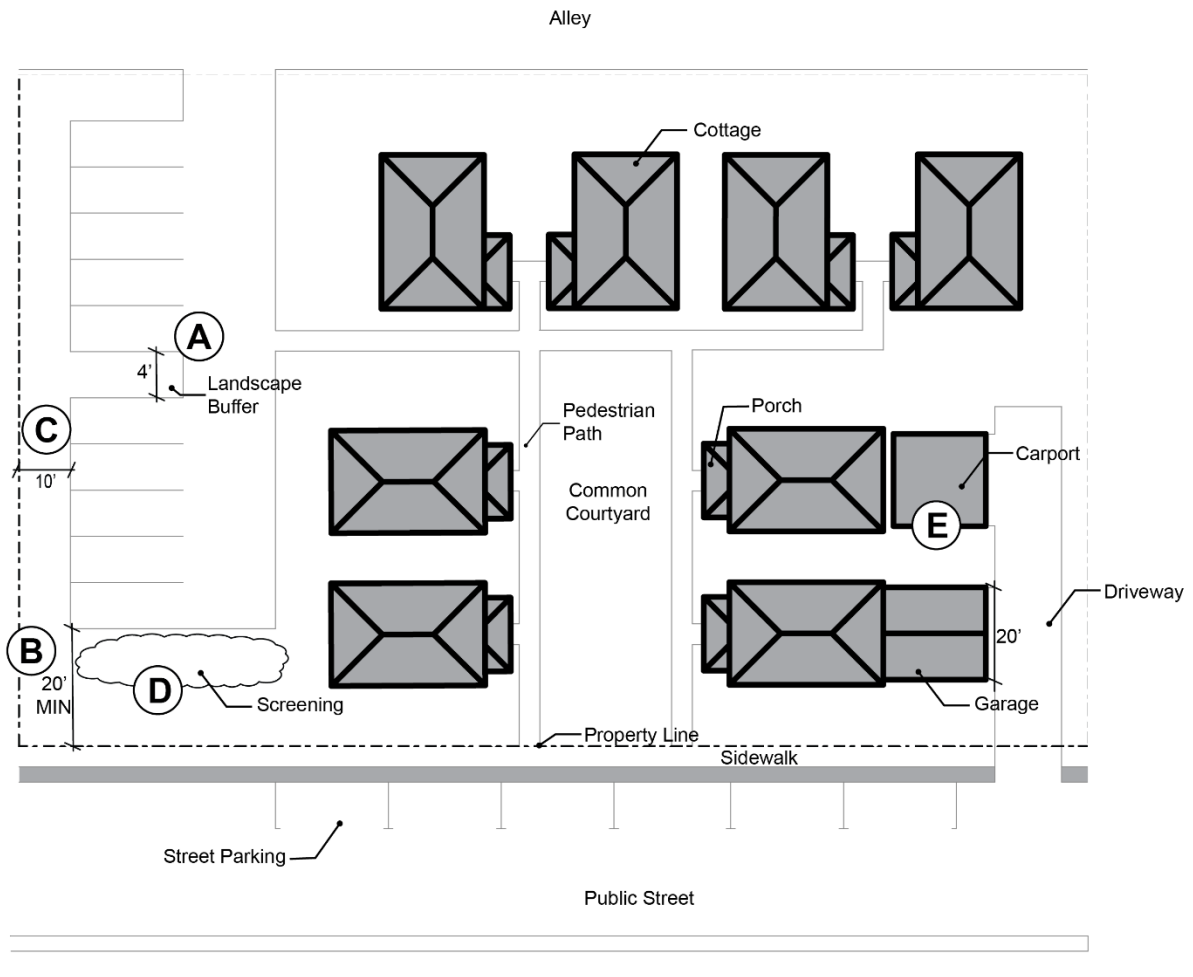


- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
 - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
4. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.
6. Parking Design (see Figure 27).
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - iv. Clustered parking areas may be covered.
 - b. Parking location and access.
 - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
 - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - d. Garages and carports.
 - i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
 8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. The existing dwelling may be expanded up to the maximum height in subsection (B)(4) or the maximum building footprint in Chapter 1, subsection (B)(1); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
 - c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
 - d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Figure 27. Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.